

THE
HISTORY
OF
BRITISH INDIA,

BY JAMES MILL, Esq.

Hoc autem pressè et distinctè excutiamus sermone
quodam activo et masculo, nusquam digrediendo, nil
amplificando. *BACON, De Augm Scient Lib II.*

SECOND EDITION,
IN SIX VOLUMES.

VOL. IV.

LONDON:
PRINTED FOR B. BOLDWIN, CRADOCK, AND JOY,
PATERNOSTER-ROW.

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HISTORY

OR

BRITISH INDIA.

BOOK V

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hud—Mr Francis fights a Duel with Mr Hastings, and returns to Europe

BOOK I
CHAP 5
1775

✓ THE state of the regulations for collecting the revenue had for some time pressed upon the attention of the government. The lease of five years, on which the revenues had been farmed in 1772 was drawing to a close, and it was necessary to determine what sort of course should then be pursued. To remedy evils, which delayed not to make themselves perceived in the regulations of 1772, a considerable change had been introduced in 1773. The superintendence of the collectors was abolished. The provinces (Chittagong and Tipperah remaining under the original sort of management, that of a chief) were formed into six grand divisions, Calcutta, Burdwan, Moorshedabad, Dinagepore, Dacca, and Patna. In each of these divisions (Calcutta excepted for which two members of the council and three superior servants, under the name of a committee of revenue were appointed) a council was formed, consisting of a chief, and four senior servants, to whom powers were confided, the same in general, with those formerly enjoyed by the collectors. They exercised a command over all the officers and affairs of revenue, within the division. The members superintended in rotation the civil courts of justice called *Sudder Adaulut*. The councils appointed deputies, or *naiibs* to the subordinate districts of the division. These *naiibs* who were natives, and called also *amils* both superintended the work of realizing the revenue, and held courts of fiscal judicature called courts of *Duanee Adaulut*. The decisions of these courts were subject by appeal to the review of the provincial courts of *Sudder Adaulut* which decided in the last

more than two thirds of the march would be completed; that the consent of the Peshwa had been obtained, and that the Mahratta chiefs, whatever their inclinations, were too much engaged in watching the designs of one another, to be able to oppose the detachment.

BOOK V.
CHAP. 3
1778.

Various were the orders by which its movements were affected. The Presidency at Bombay, having taken up hopes that the presiding party at Poonah would favour the views of the English, and dismiss the agents of the French, wrote a first letter to the detachment, requiring them to halt, and wait till subsequent directions, and presently thereafter another letter, desiring them to prosecute the march. In the mean time intelligence had reached Calcutta, that war was declared between the English and the French. Upon this, instructions were dispatched to Colonel Leslie by the supreme Council, not to advance, till further orders, beyond the limits of Berar.

According to the Governor General, the Company had nothing to dread from the efforts of the French, at either Calcutta or Madras; it was the western coast on which, both from the weakness of Bombay, and the inclinations of the Mahratta government, those enemies of the English had any prospect of success; and where it most behoved the servants of the Company to provide against their attempts. He recommended a connexion with some of the leading powers of the country, pointed out the Rajah of Berar as the Prince with whom it was most desirable to combine; and mentioned two services by which the co-operation of that Prince might be ensured. One of these services was to assist him in the recovery of the dominions which had been wrested from him by Nizam Ali. The other was to support him in a pretension to the Mahratta Rajahship. The

BOOK V
CHAP 3

1778

legitimate, but impotent King of the Mahrattas, had recently died in his captivity at Sattarah, without leaving issue. And the Rajah of Berar, as a branch of the house of Sevagee, might urge a claim to the succession. In pursuance of these objects, an embassy to the court of Berar was voted by the majority and dispatched. In the mean time another revolution had ensued in the government at Poonah. The party of Siccaram Baboo was again overthrown and that of Nana Furnavese exalted by the powerful co-operation of Madagee Scindia. The party of Nana still appeared to favour the French. The defeated party, now led by a chief named Moraba, as the age of Siccaram Baboo in a great measure disqualified him for business, were eager to combine with the English in raising Ragoba and the Presidency of Bombay had no lack of inclination to second their designs. A resolution to this effect was passed on the 21st of July 1778 but it was not till the beginning of November that any step was taken for its execution. The activity of the Presidency had been repressed by news of the confinement of the leading members of the party at Poonah, from whom they expected assistance, and by instructions from the Supreme Council not to pursue any measures which might interfere with the object of the embassy to Moodagee Bonsla, the Regent of Berar. Early however in November, a plan of operations was concerted a treaty was concluded with Ragoba a loan to a considerable amount was advanced to him and, upon intelligence that the ruling party at Poonah had penetrated their designs and were making preparations to defeat them it was determined to send forward one division of the army immediately and the rest with all possible dispatch.

The force which was sent upon this enterprise

amounted in all to nearly 4,500 men. A committee, BOOK V.
consisting of Colonel Egerton, Mr. Carnac a mem- ГЛАВА 3
ber of the Select Committee, and Mr. Mostyn for- 1779.
merly agent of the Presidency at Poonah, were ap-
pointed a Committee for superintending the expe-
dition, and settling the government at Poonah. The
army set out about the beginning of December;
on the 23d completed the ascent of the mountains,
and arrived at Condola. The enemy now, for the
first time appeared. From the head of the Ghaut,
or pass, which they secured by a fortified post, the
English, on the 4th of January, began their march
toward Poonah, with a stock of provisions for twenty-
five days. They were opposed by a body of troops,
who retired as they advanced, but cut off their sup-
plies, and seized every opportunity to harass and im-
pede them. They were not joined, as they had en-
couraged themselves to expect, by any chief of im-
portance, or numbers to any considerable amount.
And it was in vain, as they were informed by Ra-
goba, to hope, that his friends and adherents would
declare themselves, till the English, by some impor-
tant operations and success, held out to them a pro-
spect of safety. The army continued to advance till
the 9th of January, when, at the distance of about
sixteen miles from Poonah, and eighteen from the
summit of the pass, they found an army assembled
to oppose them. The Committee, to whom, by a
strange policy, the command of a military expedition
was consigned, began to despair, and, on learning
from the commissary in chief, that only eighteen days'
provisions were in store, and from the officer com-
manding the forces, that he could not protect the
baggage, without a body of horse, they made up their
minds to a retreat. It commenced on the night of
the 11th. But secrecy had not been preserved, and

BOOK V they were attacked by the enemy before day break,
 CHAP 5 when they lost a part of their baggage, and above
 1779 three hundred men It was not until four o'clock
 in the afternoon that the enemy desisted from the
 pursuit, when the English had effected their retreat
 as far as Wargaum Hope now deserted not only
 the Committee, but the Commander of the troops
 who declared it impossible to carry back the army to
 Bombay An embassy was sent to the Mahratta
 camp, to try upon what terms they could have leave
 to return The surrender of Ragoba was demanded
 as a preliminary article. That unfortunate chief was
 so impressed with the danger of waiting another at-
 tack, that he had declared his intention of surrender-
 ing himself to Scindia, and had been in correspondence
 with that chieftain for several days the Committee
 were less scrupulous therefore, in bartering his safety
 for their own When this compliance was announced,
 and the English expected a corresponding facility on
 the part of the Mahrattas the leaders of that people
 informed them that the surrender of Ragoba was a
 matter of the utmost indifference that the treaty,
 which had been concluded with Colonel Upton, had
 been shamefully violated the territory of the Mah-
 rattas invaded and that unless a new treaty were
 formed upon the spot, the army must remain where
 it was, and abide the consequences The declaration
 of the Committee, that they possessed not powers to
 conclude a treaty, was disregarded. The command-
 ing officer declared, that the attempt to force a re-
 treat could lead to nothing but the total destruction
 of the army It was therefore agreed to submit to
 such conditions as the Mahrattas might impose and
 a treaty was signed by which all the acquisitions were
 relinquished which had been made in those parts by
 the English, since the treaty with Madhoo Row in

1756; Baroach was given up to Scindia; Ragoba placed in his hands; the detachment from Bengal was ordered to return; and two Englishmen of distinction were left as hostages for the due fulfilment of the terms.

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No approbation could be more complete than that which was bestowed by the Court of Directors on the object of this expedition. In a letter from the Committee of Secrecy, dated the 31st of August, 1778, "The necessity," they say, "of counteracting the views of the French at Poonah appears to us so very striking, that we not only direct you to frustrate their designs of obtaining a grant of the port of Choul, but also to oppose, by force of arms, if necessary, their forming a settlement at that or any other place which may render them dangerous neighbours to Bombay. As the restoration of Ragoba to the Peshwaship is a measure upon which we are determined; and as the evasions of the Mahratta chiefs respecting the treaty of Poonah justify any departure therefrom on our part, we, therefore, direct, that if, on the receipt of this letter, you shall be able to obtain assistance from the friends of Ragoba, and with such assistance find yourselves in force sufficient to effect his restoration without dangerously weakening your garrison, you forthwith undertake the same." In proportion to the satisfaction which would have been expressed upon a fortunate termination of this enterprise, was the displeasure manifested upon its failure. "The first object which strikes us," say the Directors, "is the slow progress of the army. This we deem an irreparable injury to the service, and in this respect the conduct of the Commander in Chief appears extremely defective. The consequence was obvious; the enemy had full opportunity to collect their strength; the friends of Ragoba, instead of being

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1779.

The person, who had been chosen to conduct this embassy, died upon the journey before he reached the capital of Berar. After some fluctuation of opinion, it was determined not to continue the negotiation by appointing a successor but rather to wait in expectation of some advances from the Regent.

The party of Mr Francis now urgently pressed for a distinct declaration of the design with which the detachment, on its way to the western Presidency, was directed to continue its march. There was not only a complication they affirmed, but a contrariety of objects the alliance for raising Moodajee Bonsla to the throne of Sevagee being inconsistent with the scheme of establishing Ragoba in the office of Peshwa. The Governor General, without any definite explanation, alleged that the re-instatement of Ragoba had never been pursued as an end, but only as a means, that his hopes and expectations were placed on Moodajee that the detachment, whether its services should be required for the restoration of Ragoba, in prosecution of engagements with Moodajee, or in opposing the French, ought equally to continue its march. The opposite party once more urged in vain their reasons for its recall. But all parties agreed in condemning Colonel Leslie for the delay which he had incurred and the engagements which he had formed in pronouncing him unfit to be any longer entrusted with the command which he held and in transmitting orders that he should resign it to Colonel Goddard the officer next in command. Leslie however, survived not to receive the intelligence of his disgrace, nor to produce, it ought to be remem-

would concur with you in giving full effect thereto and desist from entering into any new connections which may set a stop to your recent agreements with Ragoba." Sixth Report Committee of Secrecy 1781 p. 64

bered, what he might have urged in vindication of his conduct. He was an officer of experience and reputation. It is known, that he held a high language, that he complained of the Governor-General, to whom, by his special directions, he had communicated a private journal of his transactions, and to whom he had trusted for the explanation of his proceedings. But no inference can safely be founded on the allegation that the Governor-General, who had previously defended his conduct, was informed of the deadly nature of his disease, and the hopelessness of his recovery, at the time when he condemned him and voted for his recall.

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By the death of Leslie, the command devolved on Colonel Goddard on the 3d of October. On the 22d he wrote a private letter to the Governor-General, informing him of the progress which the detachment had made towards the Nerbudda, or the boundary of Berar. At the same time with the letter from Colonel Goddard, arrived dispatches from Moodajee, expressing his lamentation upon the death of the late ambassador, and his hopes that such an event would not frustrate the plan of friendship which it had been the object of that embassy to establish. Upon the receipt of these letters the Governor General moved, that the negotiation with Moodajee Bonsla should be resumed; and that powers to treat with him should be communicated to Colonel Goddard. The opposite party contended, that an alliance with the Regent of Berar would be equivalent to a declaration of war against Nizam Ali, and involve the Carnatic in misfortune; that neither did Colonel Goddard possess the qualifications of a negotiator, nor did the duties of his command enable him to devote his mind to the business which a negotiator was required to perform, and that the Presidency of Bombay, under

BOOK V whose orders the detachment had been placed, might
 CHAP 3 take measures in favour of Ragoba, with which the
 1779 instructions they might give in regard to Moodajee
 would not be reconcilable

On the 7th of December, after intelligence had arrived of the second revolution at Poonah which the Governor-General regarded as defeating the original design upon which the assistance of the detachment had been sent to Bombay, he proposed that it should no longer act under the orders of that Presidency, lest the designs of those rulers should defeat the negotiation with Moodajee, entrusted to Colonel Goddard. While this proposition was under debate, a dispatch was received from the resident at Poonah, stating his expectation of being immediately recalled, as the Select Committee at Bombay had determined to proceed against the governing party at Poonah. After this intelligence the proposition of the Governor-General, for retaining the detachment of Colonel Goddard under the immediate authority of the Supreme Council received the sanction of the Board. In the mean time Moodajee Bonsla for whose alliance so much anxiety was expressed had written an evasive letter to Colonel Goddard, dated the 23d of November manifesting pretty clearly a wish to embroil himself as little as possible either with the English or with the Poonah confederacy. Goddard crossed the Nerbuddah on the 1st of December; and sent an agent to Nagpore, to ascertain how far he might depend upon Moodajee. In conclusion, he inferred, that no engagement could be formed between that chieftain and the English, but that a friendly conduct might be expected toward the detachment, while it remained in his dominions.

By this time the army of Bombar was on its march to Poonah. But though Colonel Goddard had trans-

mitted regular intelligence of his movements to Bombay, he had received no communications from that quarter, and remained in total ignorance of their designs, except from some intimations communicated by Moodajee, that an expedition against Poonah was in preparation. Uncertain as was the ground upon which he had to proceed, he had come to the determination, that the balance of probabilities required his proceeding to Poonah, when he received dispatches from the Council at Bombay, unfolding what they had done, and what they were intending to do; and pressing it upon him to march to Poonah with the smallest possible delay. To the question why the Presidency at Bombay had not sooner made Colonel Goddard acquainted with the design of the expedition, and taken the precautionary steps for securing co-operation between his detachment and their own, the answer must be, either that they exercised not the degree of reflection necessary for that moderate display of wisdom; or that they wished to have to themselves the glory of setting up a Mahratta government; or that, to avoid the expense of the detachment, they wished it not to arrive. Moodajee, who was afraid to embroil himself with the Poonah government, if he gave a passage to the troops of Goddard, and with the English government, if he refused it, was very earnest with him to wait till he received satisfactory letters from Calcutta. But, notwithstanding this solicitation, Goddard, on the 16th of January, began his march from the banks of the Nerbudda

He took the great road to Boorhanpoor and Poonah, and arrived at Charwah on the 22d, where he received intelligence that the army from Bombay had advanced as far as Boraghaut, a place fifty miles distant from Poonah.

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On the 24th, he received a letter dated the 11th, from the Field Committee, who conducted the Bombay expedition, representing, that in consequence of an alteration which had taken place in the state of affairs, it was not expedient he should advance that he should either proceed to Surat, if he found himself in a condition to make his way in spite of the Mahratta horse, by whom his march would be annoyed, or remain in the territories of the Rajah of Berar, till further instructions. This letter placed him in a state of perfect uncertainty, whether the Bombay army had sustained a disaster which cut off their hopes, or had so flattering a prospect of success, that all additional force was accounted unnecessary. On the next day a letter arrived from the Council at Bombay, apparently written without a knowledge of the circumstances which dictated the letter of the Field Committee, and urging him to proceed. Under the perplexity which this lack of information, and discrepancy of injunctions, inspired, he resolved to proceed to Boorhanpoor, in hopes of obtaining intelligence, and arrived at that ancient capital on the 30th

There, on the 2d of February, he received another letter from the Field Committee, dated on the 19th of January, more mysterious than any which had yet arrived. It shortly cautioned him against obeying the order in their letter of the 16th, which on better consideration they deemed themselves not competent to give. Goddard could ill conjecture the meaning of this warning as he had not received the letter of the 16th but he believed that it indicated evil rather than good and saw well the dangers which surrounded him in the heart of the Mahratta country, if any serious disaster which might produce a change in the mind of Moodajee himself, had befallen the

army from Bombay. He waited at Boorhanpoor till the 5th, in hopes of receiving more certain information, when he was made acquainted with the nature of the disaster pretty exactly by Moodajee. He resolved to retreat to Surat, and marched on the 6th. On the 9th a vakeel arrived from the Poonah government, bearing the letter written by the Field Committee on the 16th of January. It was the letter in which under the dictation of the Mahrattas, they had commanded his immediate return to Bengal. This injunction it was the business of the vakeel to enforce. But Goddard replied that he was marching to Bombay in obedience to the orders of the Supreme Council, and with the most friendly intentions toward the Mahratta state. The march was conducted with great expedition. The troops were kept in such exact discipline, that the people, having nothing to fear, remained in their houses, and supplied the army by sale with many conveniences for the march. They arrived at Surat on the 30th; a distance of nearly three hundred miles in nineteen days.¹

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In consequence of these events, it was resolved at the Supreme Board, to vest Colonel Goddard with full powers for treating with the Poonah government, to disavow the convention concluded with the Poonah committee, but to express a desire for accommodation, on the basis of the treaty of Poonunder, if the Mahrattas, on their part, would afford encouragement, by relinquishing all claims founded on that conven-

¹ It is worthy of remark, that Gazee ad dien Khan, formerly Vizir of the empire, and grandson of the great Nizam al Mulk, was at this time found at Surat, in the disguise of a pilgrim, and confined, till the Supreme Council, being consulted, disapproved of all acts of violence, but forbade his appearing within the territories of the Company. See the Letter from Gov Gen to Directors, dated 14th January, 1780. Sixth Report to the Secret Com Appendix, No 246

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tion, and by a promise of forming no connexion, either commercial or political, with the French. If they should reject these proposals, Colonel Goddard, whom the Supreme Council now promoted to the rank of General, was empowered to renew the war, and if possible to form connexions with the head of the Guicawar family, and the government of Berar.

Goddard had commenced his correspondence with the Poonah ministry, when Ragoba made his escape, and repaired to Surat, where he received an asylum. Discordance prevailed among the Mahratta chiefs, and much uncertainty hung over their proceedings. Dissension broke out between Nana and Scindia, by whose united power Siccaram and Moraba had been subdued. With professions of a desire for peace, they kept aloof from definite terms. reports were received of their preparations for war and negotiation lingered till the 20th of October, when Goddard sent his declaration, that if a satisfactory answer to his proposals was not returned in fifteen days, he should consider the delay as a declaration of war. A reply arrived on the 28th. Without the surrender of Ragoba and the restoration of Salsette, it was declared that the Mahratta powers would make no agreement. The General upon this broke off the negotiation and repaired to Bombay to concert with that Council the plan of hostilities.

The President and Council of Bombay had received with considerable indignation the intelligence of the power independent of them clve^s with which General Goddard had been invested at the Superior Board. They regarded it as an encroachment upon the rights conveyed to them both by the act of parliament and the commands of the Directors and they had declared that they would sustain no responsibility for any of his acts. At first they alleged

the great exhaustion of their resources, as a reason BOOK V.
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against taking any considerable part in the war; but 1780.
when the General held up, as the first object of his operations, the acquisition, on which they had long attached their affections, of a territorial revenue adequate to all the demands of the Presidency, they agreed to supply as great a portion of their troops, as the security of Bombay would allow; and furnished him with powers and instructions to treat with Futtý Sing Guicawar, whose assistance, as placing a friendly country in the rear, it was of the greatest importance to obtain With regard to Ragoba it was proposed to feed him with such hopes, as should ensure the advantage of his name, but to engage themselves as short a way as possible for a share in the advantages of the undertaking, to the success of which it was so little in his power to contribute.

On the 2d of January, 1780, General Goddard had crossed the Tapti, with a view both to stimulate the good inclinations of Futtý Sing, and to reduce the fortress of Dubhoy. On the 19th the army appeared before the place. On the next day it was evacuated by the enemy, when the whole district, yielding by estimate a revenue of two lacs of rupees, was taken possession of in the name of the Company. On the 26th, Futtý Sing was at last, with some difficulty, brought to trust so far in the power of the Company, as to accede to the terms proposed, and it was agreed that the Guzerat country should be divided between the Company and himself, the Company obtaining that proportion which had formerly accrued to the Mahrattas, and the remainder being rendered independent of the Poonah government, and freed from every exterior claim. Being joined by the cavalry of this chief, the General marched towards Ahmedabad, the capital of the province, be-

BOOK V fore which he arrived on the 10th of February, and
 CHAP 3 in five days carried it by storm with inconsiderable
 1780 loss. The united armies of Scindia and Holkar
 amounting to 40,000 men were in the mean time
 advancing towards Surat. The English General, by
 rapid marches, arrived in the neighbourhood of their
 encampment, near Brodera, on the 8th of March,
 and intended to attack them in the night, but was
 prevented by a letter from one of the gentlemen, left
 as hostages with Scindia, signifying that professions
 were made by the Mahratta chiefs of a desire to esta-
 blish amity with the English government. Of this,
 Scindia afforded a favourable indication, the following
 day, by sending back the hostages, and along with
 them a vakeel, or commissioner who acknowledged
 the hatred borne by his master to Nana Furnavese,
 and his desire of a separate arrangement with the
 English. Upon further explanation it appeared, that
 he was anxious to get into his hands Ragoba and
 his son as an instrument for aggrandizing himself
 in the Mahratta state a proposition to which Gene-
 ral Goddard would by no means accede. Scindia
 at the same time, was offering terms to Govind Row
 the brother and opponent of Futtu Sing and had
 actually received him in his camp. Not convinced
 of his sincerity and suspecting his design to waste
 the season till commencement of the rains, when he
 would return home to the business of his govern-
 ment and to his intrigues, General Goddard was
 desirous of forcing him to a battle which he con-
 stantly avoided by retreating as the English army
 advanced. To defeat this stratagem the General
 on the 3d of April marched silently from his camp
 about two o'clock in the morning, with four batta-
 lions of Sepoy grenadiers four companies of Euro-
 pean infantry, and twelve pieces of field artillery

The distance was about seven miles to the camp of the enemy, which he entered at dawn. He reached the very centre of the encampment before he was perceived. The enemy were thrown into their usual confusion; and, though some troops were collected, and made a show of resistance, they soon abandoned their camp, and occupied a neighbouring ground. The English made no delay in proceeding to charge them, when the Mahrattas dispersed, and left them masters, not only of the field, but of the country in which it was contained. A detachment from Bombay took possession also of Parsek, Bellapore, Panwel, and Callian, and extended the territory of the Presidency along the coast and towards the passes of the hills in the way to Poonah. On the 6th of April the General was joined by six companies of European infantry, and a company of artillery, which had been sent to his assistance from Madras, and about the same time five companies of Sepoys arrived for him at Surat. As the rainy season had now commenced, Scindia and Holkar withdrew into their own countries; and the General, after sending back the Bombay detachment, put his troops into cantonments, and prepared for the succeeding campaign.

Sir Eyre Coote, who had been appointed to succeed General Clavering, both as Commander in Chief, and as a member of the Supreme Council, had arrived at Calcutta in the beginning of April, 1779, and without showing an unvarying deference to the opinions of the Governor-General, commonly supported his measures. Early in November of that year, in consequence of an application from the Rajah of Gohud, commonly known by the name of the Ranna, a Hindu chieftain or prince who governed a hilly district of considerable extent, lying on the Jumna, between the territories of Scindia and the Nabob of

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Oude, the Governor General proposed a treaty, by which the Ranna might be empowered to call for the assistance of the English against the Mahrattas, of whom he stood in constant danger, and should agree to assist the English with his forces, when they should undertake any enterprise against the contiguous powers. The Governor General, who contemplated the continuance of the war with the Mahrattas, proposed this alliance, both as a barrier against an invasion, in that direction, of the territory of the Company or their allies and as an advantage, by invading the territory of the Mahrattas, for operating a diversion in favour of the enterprises which might be undertaken on the side of Bombay. The measure was opposed by the opposite side of the Board, both on the ordinary and general ground of the importance of abstaining from war, and also in consideration of the weakness of the Ranna who had few troops, and not revenue to pay even them whose aid, in consequence, would be of little avail, and his protection a serious burden. In the objections of the opposing party the General concurred and even transmitted his protest against the terms of the connexion. But as he was absent the casting vote of the Governor General gave his opinion the superiority, and the treaty was formed.

In the mean time intelligence arrived by a letter from General Coote dated the 20th of November of an invasion of the territory of the Ranna, by a body of Mahrattas whom his want of resources made it impossible for him to resist. Instructions were dispatched to afford him such assistance as the exigency of the case might require and the state of the English forces permit. A detachment of the Company's army had been prepared in that quarter, under the command of Captain Popham, for the purpose of

augmenting the forces of Goddard; but from the consideration, partly that they could not arrive in time on the Bombay coast, partly that they might contribute to the success of his operations by an attack upon the part which was nearest of the Mahratta frontier, they had not been commanded to proceed, and in the beginning of February, 1780, they were sent to the assistance of the Ranna of Gohud. Captain Popham found means in this service of distinguishing his enterprise and talents. With a small force, and little assistance from the Ranna, he expelled the Mahrattas from Gohud, crossed the Sind, into their own territory, laid siege to the fortress of Lahâr, the capital of the district of Cutchwagar; and having effected an imperfect breach, which the want of heavy cannon enabled him not to complete, he, on the 21st of April, successfully assaulted and took possession of the fort.

It had, however, been importunately urged, both by Coote and Goddard, and was acknowledged by the Governor-General, that the force employed on the Mahratta frontier under Captain Popham was far from adequate to any such important operations as could materially affect the result of the war. After some fluctuation of plans, and great debate and opposition at the Superior Board, in which Mr Francis in particular vehemently opposed the extension of military efforts, it was determined that a detachment of three battalions, stationed at Cawnpore, under Major Carnac, with a battalion of light infantry, under Captain Browne, should threaten or invade the territories of Scindia and Holkar. In the mean time Captain Popham, with the true spirit of military ardour, after securing with great activity the conquest of the district of Cutchwagar, turned his attention to the celebrated fortress of Gualior,

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situated within the territory of the Ranna of Gohud, but wrested from his father, and now garrisoned by the Mahrattas. This fortress was situated on the summit, three coss in extent, of a stupendous rock, scarped almost entirely round, and defended by a thousand men. By the princes of Hindustan it had always been regarded as impregnable. And Sir Fyre Coote himself, in his letter to the Supreme Council, dated the 21st of April, had pronounced it "totally repugnant to his military ideas and even absolute madness," to attack it with so feeble a detachment, and without a covering army to keep off the Mahrattas in the field, and preserve the line of communication. Captain Popham moved to the village of Ripore about five coss distant from Gualior and employed his spies in continually searching if a spot fit for escalading could be found. After many and dangerous experiments, they at last brought him advice that one part only afforded any appearance of practicability. At this place the height of the scarp was about sixteen feet from the scarp to the wall was a steep ascent of about forty yards, and the wall itself was thirty feet high. "I took the resolution," says Captain Popham "immediately. The object was glorious and I made a disposition to prevent as much as in my power, the chance of tarnishing the honour of the attempt by the loss we might sustain in case of a repulse." At break of day on the 9d of August, the van of the storming party arrived at the foot of the rock. Wooden ladders were applied to the scarp and the troops ascended to the foot of the wall. The pikemen climbed up, and fixed the rope ladders when the Sepoys mounted with amazing activity. The guards scrambled within but were quickly repulsed by the fire of the assailant. The detachment entered with rapidity, and pushed on to the

main body of the place. In the mean time the greater part of the garrison escaped by another quarter, and left the English masters of one of the greatest and most celebrated strong holds in that quarter of the globe. This brilliant achievement, for which Captain Popham was rewarded with the rank of Major, struck the Mahrattas with so much consternation, that they abandoned the circumjacent country, and conveyed the alarm to Scindia in his capital.¹

The opposition which was made by Francis to these proceedings for pushing the war on the Jumna, brought to a crisis the animosities which the struggle between him and the Governor-General had so long maintained. On the 20th of July, 1780, Mr. Hastings, in answering a minute of Mr. Francis, declared, "I do not trust to his promise of candour, convinced that he is incapable of it. I judge of his public conduct, by my experience of his private, which I have found to be void of truth and honour." The ground of these severe expressions, the Governor-General stated to be a solemn agreement formed between him and Mr. Francis, which Mr. Francis had broken. Of this transaction the following appear to have been the material circumstances. When the parliamentary appointment, during five years, of the Governor-General and Council, expired in 1778, the expectation of a change in the Indian administration was suspended, by the re-appointment, upon the motion of the King's chief minister, of Mr. Hast-

¹ For the transactions relative to the Mahratta war, the materials are found in the Sixth Report of the Committee of Secrecy in 1781, and the vast mass of documents printed in its Appendix, the twentieth article of the Parliamentary Charges against Hastings, and his answer, the Papers printed for the use of the House of Commons on the Impeachment, and the Minutes of Evidence on the Trial of Mr. Hastings. The publications of the day, which on this, and other parts of the history of Mr. Hastings' Administration, have been consulted, some with more some with less, advantage are far too numerous to mention.

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ings, for a single year Upon the arrival of this intelligence in India, an attempt was made by some mutual friends of Mr Hastings and Mr Francis, to deliver the government, at a period of difficulty and danger, from the effects of their discordance Both parties acknowledged the demand which the present exigency presented for a vigorous and united administration and both professed a desire to make any sacrifice of personal feelings, and personal interests, for the attainment of so important an object. On the part of Mr Francis it was stipulated that Mahomed Reza Khan, Mr Bristow, and Mr Lowke should be re-instated in conformity to the Company's orders and on the part of Mr Hastings, that the Mahratta war, the responsibility of which Mr Francis had disclaimed, and thrown personally on the Governor General should be conducted in conformity with his conceptions and plans It was thus part of the agreement which Mr Hastings accused his opponent of violating and of depriving him by a treacherous promise of co-operation which induced Mr Barwell to depart for Europe, of that authority which the vote of Mr Barwell ensured. Mr Francis on the other hand solemnly declared that he 'never was party to the engagement stated by Mr Hastings or had a thought of being bound by it' His agreement with regard to the Mahratta war he explained as extending only to the operations then commenced on the Malabar coast but not to fresh operations on another part of the Mahratta dominions Mr Hastings produced a paper containing the following words "Mr Francis will not oppose any measures which the Governor General shall recommend for the prosecution of the war in which we are supposed to be engaged with the Mahrattas, or for the general support of the present political system of his govern

ment." To the terms of this agreement, presented to Mr. Francis in writing, he affirmed that Mr. Francis gave his full and deliberate consent. The reply of Mr. Francis was in the following words: "In one of our conversations in February last, Mr. Hastings desired me to read a paper of memorandums, among which I presume this article was inserted. I returned it to him the moment I had read it, with a declaration that I did not agree to it, or hold myself bound by the contents of it, or to that effect." Mr. Francis added some reasonings, drawn from the natural presumptions of the case. But these reasonings and presumptions had little tendency to strengthen the evidence of his personal assertion—the ground, between him and his antagonist, on which this question seems finally to rest. With the utmost earnestness Mr. Hastings repeated the affirmation of the terms on which Mr. Francis declared his assent; and at this point the verbal controversy between them closed. Soon after, a duel ensued between Mr. Hastings and Mr. Francis, in which the latter was wounded, and on the 9th of December that gentleman quitted India, and returned to Europe.¹

¹ Sixth Report of the Committee of Secrecy, 1781, p. 98, and Appendix, No. 288, also Fifth Report of the Select Committee, 1781, p. 14, 18, 30, *Memoirs of the late War in Asia*, i. 301, &c

CHAP IV

In Carnatic, Relations between the English and Nabob—Plenipotentiary with independent Powers from the King—English courted by Hyder Ali and the Mahrattas, and in Danger from both—Nabob and Plenipotentiary desire Alliance with the Mahrattas—Presidency adhere to Neutrality—Relations with the King of Tanjore—After Hesitation, War is made upon him—War upon the Marawars—A second War upon Tanjore—Condemned by the Directors—Pigot sent out to restore the Rajah—Opposition in the Madras Council—Pigot imprisoned—Sentiments and Measures adopted in England—Committee of Circuit—Suspended by Governor Rumbold, who summons the Zemindars to Madras—Transactions with Ni-am Ali respecting Guntoor—Censured by the Supreme Council—Governor Rumbold, and other Members of the Government condemned and punished by the Court of Directors

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WHILE the principal station of the Company's power in India was giving birth to so many important transactions their Presidency on the Coromandel coast was not barren of incidents entitled to a great share of our regard

The relation in which the Company professed to stand to the country, was different in Carnatic and in Bengal. By the avowed possession of the diwanry they entered in Bengal into the direct discharge of

the principal functions of internal government. In BOOK V
 Carnatic, during the contest with the French, they CHAP 4.
 had held up Mahomed Ali, upon the termination of 1770.
 it, they had acknowledged him, as the undoubted
 sovereign of the country. He was established, there-
 fore, in the possession of both branches of power,
 both that of Nazim, or the military power, and that
 of Duan, or the financial power, and the Company
 held the station of dependents, possessing their pri-
 vileges through his sufferance, and owing obedience
 to his throne. They possessed a district of land, sur-
 rounding Madras, which had been granted in 1750,
 and in 1762 was confirmed, by the Nabob of Carnatic
 or Arcot, in recompense of the services rendered by
 the Company to him and his family. This was a sort
 of estate in land, under what is called jaghire tenure,
 enabling the owner to draw the revenue, which would
 otherwise accrue to government; and to exercise all
 those powers which in India are usually connected
 with the power of raising the taxes. This Presidency
 also possessed, and that independent of their Nabob,
 the maritime district, known under the title of the
 four Northern Circars, which they had obtained by
 grant from the Mogul in 1765, and enjoyed under
 an agreement of peshcush, entered into the succeed-
 ing year, with the Nizam or Subahdar

Partly from characteristic imbecility, partly from
 the state of the country, not only exhausted, but dis-
 organised by the preceding struggle, the Nabob re-
 mained altogether unequal to the protection of the
 dominions of which he was now the declared sove-
 reign. Instead of trusting to the insignificant rabble
 of an army which he would employ, the Presidency
 beheld the necessity of providing by a British force
 for the security of the province. For this reason,

BOOK V and also for the sake of that absolute power¹ which
 CHAP 4. they desired to maintain, the English were under the
 1770 necessity of urging, and, if need were, constraining
 the Nabob, to transfer to them the military defence
 of the country, and to allow out of his revenues a
 sum proportional to the expense. The Nabob having
 transferred the military power of the country, was
 placed in absolute dependence upon the Company: they
 being able to do what they pleased, he to do nothing
 but what they permitted. In a short time it was
 perceived that his revenue was by no means equal to
 the demands which were made upon it. The coun-
 try was oppressed by the severity of his exactions,
 and instead of being repaired, after the tedious suf-
 ferings of war, it was scourged by all the evils of a
 government at once insatiable and neglectful. When
 his revenues failed, he had recourse to loans. Money
 was advanced to him, at exorbitant interest, frequent-
 ly by Englishmen, and the servants of the Company.

¹ The resolution of maintaining this absolute power is thus clearly ex-
 pressed in the letter of the Court of Directors, to the Presidency of
 Madras, dated 21st December 1763. "The Nabob has hitherto de-
 sired at least acquiesced with seeming approbation that garrisons of
 our troops should be placed in his forts: it is not improbable that after
 a time he may wish to have his protectors removed. Should such an
 event happen, it may require some address to a soldier in him & great
 and at the same time a degree of firmness to persist in your present plan.
 But persist you must: for we establish it as a fundamental point that
 the Company's influence and real power in the province cannot be any
 way so effectually maintained as by keeping the principal forts in our
 hands." See First Report of the Committee of Secretaries 1781 Appen-
 dix, No. 23.—"By being in possession of most of the strong places, the
 troops being officered by the Company, and the garrisons perfectly under
 their orders, the Company have it in their power to give laws to the Car-
 natic. Without the concurrence of the Presidency he could neither
 they are arbiters of peace and war. As I even if one of his own tributaries
 refuse the protection, the payment of which they had guaranteed, without
 their he can not call them to account." Letter of the 24th July 1764
 to the President and Council of Madras. 21st June 1771: likewise Ap-
 pendix p. 23.

He generally paid them, by a species of assignments, called in India *tuncaus*, which entitled the holders of them to the revenue of some portion of the territory, and to draw it immediately from the collectors. While his embarrassments were by these means increased, the exactors were encouraged to greater severities.

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In this situation the Nabob and the Presidency were both dissatisfied, and both uneasy. Finding his power annihilated, and his revenues absorbed, after feasting his imagination with the prospect of the unlimited indulgences of an Eastern prince, he regarded the conduct of the Presidency as the highest injustice. The gentlemen entrusted at once with the care of their own fortunes and the interests of the Company, for both of which they imagined that the revenues of Carnatic would copiously and delightfully provide, were chagrined to find them inadequate even to the exigencies of the government, and accused the Nabob, either of concealing the amount of the sums which he obtained, or of impairing the produce of the country by the vices of his government.

Upon the termination of the disputes in London, toward the end of the year 1769, between the Ministers of the Crown and the East India Company, respecting the supervisors, and respecting the power of the King's naval officer to negotiate and to form arrangements with the Indian powers,¹ a marine force, consisting of some frigates of war, was commissioned under the command of Sir John Lindsay to proceed to the East Indies: "to give countenance and protection to the Company's settlements and affairs" In conformity with the terms to which the

¹ See the account of these disputes, *supra*, vol. III. book IV. chap. 15

BOOK V Company had yielded they vested Sir John Lindsay
 CHAP 4 with a commission to take the command of all their
 1770 vessels of war in the Indian seas and also on their
 behalf "to treat and settle matters in the Persian
 Gulph."

So far, there was mutual understanding clearness, and concert. But in addition to this, Sir John Lindsay was appointed, by commission under the great seal, his Majesty's Minister Plenipotentiary, with powers to negotiate and conclude arrangements with the Indian sovereigns in general. This measure was not only contrary to what the Company had claimed as their right, against which the Minister appeared to have ceased for the time, to contend, but it was a measure taken without their knowledge and Sir John Lindsay appeared in India, claiming the field for the exercise of his powers before they or their servants had the smallest intimation that any such powers were in existence.

If there was a danger which must strike every considerate mind, in sending two independent authorities, to act and clash together in the delicate and troubled scene of Indian affairs, a danger inevitable even if the circumstances had been arranged between the Ministers and the Company with the greatest harmony and the greatest wisdom all the principles of mischief were naturally multiplied and each strengthened to the utmost by the present stroke of ministerial politics.

The ground upon which this disputed and imprudent exercise of power appears to have been placed was the eleventh article of the treaty of Paris concluded in 1763. With a view to maintain peace in India and to close the disputes between the English and the French who according to their own professions, appeared to have nothing else in view but to

determine who was the just and rightful Nabob of Carnatic, who the just and rightful Subahdar of Deccan, it was there decided and agreed, that the two nations should acknowledge Mahomed Ali as the one, and Salabut Jung as the other. It occurred to the ingenuity of practical statesmen, that the King of Great Britain, having become party to an article of a treaty, had a right, without asking leave of the Company, to look after the execution of that article; and hence to send a deputy duly qualified for that purpose. If this conferred a right of bestowing upon Sir John Lindsay the powers of an ambassador, it also conferred the right of avoiding altercation with the East India Company, by taking the step without their knowledge

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The power of looking after the due execution of the eleventh article of the treaty of Paris was not a trifling power.

It included, in the first place, the power of taking a part in all the disputes between the Nabob and the Company's servants, as Mahomed Ali was in that article placed upon the footing of an ally of the King of Great Britain, and hence entitled to all that protection which is due to an ally. The servants of the Company had been at some pains to keep from the knowledge of the Nabob the full import of the new relation in which he was placed to the British throne; as calculated most imprudently to inflame that spirit of ambition and love of independence, with which it was so difficult already to deal, and with the gratification of which the existence in the Carnatic either of his power or of that of the Company was altogether incompatible. The band of Englishmen and others, who surrounded the Nabob, for the purpose of preying upon him, wished of course to see all power in his hands, that they might prey the more abundantly,

BOOK V which soon degenerated into bitterness and animosity
 CHAP 4 on both sides ¹

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Among the reasons which the President and Council assigned for declining to appear in the train of Sir John Landsay, they had stated, that any suspicion, disseminated in the country, of the annihilation or diminution of the Company's power "might, at this crisis particularly, prove fatal to the existence of the Company, and the interests of the nation in India because they were on the brink of a war with the most formidable power in India, which it would require all their efforts to avoid while they feared that all their efforts would be insufficient" ² This apprehension was a good deal exaggerated to serve the present purpose and the exaggeration yielded an advantage to Sir John Landsay of which he immediately availed himself. He was very sorry, he said to find them on the brink of a dreadful war which was all but inevitable. He pressed upon them the consideration of the importance of peace to a commercial body. And as he was sent out to watch over the execution of the eleventh article of which peace was the main object, he begged they would lay before him such documents and explanations, as "would make him acquainted with the real state of the Company's affairs" ³ He also informed them that he was "commanded by his Majesty to apply to them for a full and succinct account of all their transactions with the Nabob of Arcot since the late treaty of Paris and inquire with the utmost care into the causes of the late war with the Subah of the Deckan and Hyder Ali and the reasons of its unfortunate consequences" ⁴ To this point the reply of the President

¹ *Recess Appraisals* p 41—43

² *Ibid* p 42.

³ *Ibid* p 217

⁴ *Ibid* p 220

and Council was in the following terms. " Duplicates of our records, and very minute and circumstantial details of all our transactions, have already been transmitted to the Court of Directors of the East India Company, our constituents. We have heard, that when an inquiry at home into the state of the Company's affairs was thought necessary, it was signified by his Majesty's ministry to the Court of Directors, that they would be called upon by parliament to produce their records, that they were accordingly called upon by parliament, and did produce them. This, we believe, was a constitutional course; but we have never heard, that the Company's papers and records were demanded by, or surrendered to, the ministry alone, for that we believe would be unconstitutional. The Company hold their rights by act of parliament, their papers and their records are their rights, we are entrusted with them here, we are under oath of fidelity, and under covenants, not to part with them; nevertheless all conditions are subservient to the laws, and when we shall be called upon in a legal and constitutional way, we shall readily and cheerfully submit ourselves, our lives, and fortunes, to the laws of our country. To break our oath and our covenants would be to break those laws. But we hold them sacred and inestimable, for they secure the rights and liberties of the people." ¹

Corresponding with the jealousy and dislike with which Sir John Lindsay was received by the President and Council, were the cordiality and pleasure with which he was received by the Nabob and those who surrounded him. To the Nabob he explained, that he was come to recognize him as a fellow sovereign with the King of Great Britain, and to afford him the protec-

¹ Rous's Appendix, p 257

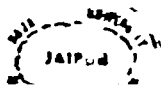
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tion of that great King against all his enemies. The Nabob, who had a keen Oriental eye for the detection of personal feelings, was not long a stranger to the sentiments with which his Majesty's Minister Plenipotentiary, and the Company's President and Council regarded each other. He described the President and Council as his greatest enemies for they withdrew the greater part of his revenue and power. Sir John who was already prejudiced, and ignorant of the scene in which he was appointed to act fell at once into all the views of the Nabob and the crowd by whom he was beset. The Nabob laid out his complaints, and Sir John listened with a credulous ear. The Nabob described the policy which had been pursued with respect to the native powers, by the servants of the Company and easily made it assume an appearance which gave it to the eye of Sir John a character of folly, or corruption, or both. He drew the line of policy which at the present moment it would have gratified his own wishes to get the Company to pursue and he painted it in such engaging colours, that Sir John Lindsay believed it to be recommended equally by the sense of justice and the dictates of wisdom. The King's Commissioner measuring his own consequence by that of the master whom he served, and treating the Company and their servants as not worthy of much regard on the score either of wisdom or of virtue, widened the difference between the partnership sovereigns of the Carnatic. The royal functionary assumed the character of protector of the Nabob and appeared to interpret the royal authority between an ally of the crown and the oppression of the Company. The contempt which the Nabob saw bestowed upon the authority to which he had been accustomed to bend and the dignity to which he appeared to be exalted as an ally



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of the British King, augmented his opinion of the injustice under which he appeared to himself to groan, and the letters of the Commissioner to the ministers in England were filled with accounts of the oppression exercised by the insolent and rapacious servants of a counting-house, over an independent and sovereign prince. The feeble discernment which has generally scanned the proceedings of the East India Company, and which has often lavished upon them applause where their conduct has been neither virtuous nor wise, has almost uniformly arraigned them for not accomplishing impossibilities, and uniting contrary effects; for not rendering themselves powerful and independent, without trenching upon the power and independence of princes, who would suffer their power and independence, only in proportion as they were deprived of those attributes themselves. Beside this fundamental consideration, it was not to be disputed, that, left to himself, Mahomed Ali could not maintain his possession of the province for even a few years; and that nothing but the power of the English could prevent it from falling a prey to the neighbouring powers, or even to its own disorganization. Though it is not disputed that the rapacity of individuals, who preyed upon the Nabob, may have added to the disorder of his affairs, it is true that the poverty of the Carnatic, and the wretched administration of the Nabob, enabled it not to fulfil the golden hopes of the English, or even to provide for its own necessities¹

When the President and Council described themselves as on the brink of a war, the circumstances to which they alluded were these: In the second article of the treaty which was concluded with Hyder Ali,

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in 1769 it was agreed " That in case either of the contracting parties shall be attacked, they shall from their respective countries, mutually assist each other to drive the enemy out " and the party in aid of whom the troops were employed, was to afford them maintenance at a rate which was mutually determined This was a condition so highly esteemed by Hyder, that all hopes of an accommodation with him, on any other terms, were, at the time of the treaty regarded as vain

Within a few weeks Hyder endeavoured to persuade the English of the great advantage which he and they would derive from uniting Janojee Bonsla with them in a triple league He also informed them of his intention to recover from Madhoo Row the Peshwa, certain possessions which that invader had wrested from him two years before and requested that they would send him a certain number of troops, no matter how small merely to show to the world the friendship which now happily subsisted between the English and him The Presidency pointing out in what manner this, to which the treaty did not bind them, would be an act of unmerited hostility against the Mahrattas, declined compliance with his request

Early in 1770 the Mahrattas invaded his country and again he solicited assistance if it were but a few troops for the sake of the manifestation on account of which he had requested them before If a more substantial aid was afforded he professed his readiness to pay three lacs of rupees It was not very easy for the English now to find a pretext They evaded procrastinated and withheld rather than refused compliance with his desire

The Mahrattas reduced Hyder to great difficulties and dangers and seemed resolved to annex his do-

minions to their spreading conquests. During this period of his distress, in which he was obliged to abandon the open country, and to depend upon his forts, he endeavoured to persuade the English that their own interest was deeply concerned in combining with him against the Mahrattas, who would touch upon their frontier, and present them a formidable neighbourhood, if the barrier which he interposed were broken down

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The Mahrattas, too, very earnestly pressed for the assistance of the English. They had, indeed, by weight of superior numbers, driven Hyder from the open country; but the protection of his strong holds enabled him still to hold out, and they saw the time rapidly approaching, when the exhausted state of the country would compel them to retire for want of the means to support their army. The skill, therefore, which enabled the English to subdue the strongest places with a rapidity which to them appeared like magic rather than natural means, they regarded as a most desirable acquisition. To attain this object, they endeavoured to work upon the fears of the Nabob, and in their communication with him threatened to invade the Carnatic, unless the English complied with their desires.

The difficulties on the part of the President and Council were uncommonly great. They state their view of them in their consultations, on the 30th of April, 1770. Their assistance would enable the Mahrattas indeed to prevail over Hyder; but of all events that was, probably, the most alarming, the Mahrattas would in that case immediately adjoin Carnatic, with such an accumulated power; as would enable them to conquer it whenever they pleased, and what, when they had power to conquer, the Mahrattas would please, nobody acquainted with

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were in the possession of the whole of Mysore, excepting the principal forts. They had advanced to the borders of Carnatic and some straggling parties had made plundering incursions. They openly threatened invasion and it was expected that about the beginning of January when the crops would be ready, they would enter the country. The Nabob was, or affected to be, in the utmost alarm and Sir Robert Harland urged the Presidency to accept the terms of the Mahrattas, who bid high for assistance on the one hand and threatened fire and sword on the other. In this trying situation the Presidency vent the most bitter complaints, at being left by the Court of Directors, totally without instructions.¹ Nevertheless, "although we have not yet," say they "had any answer from our constituents, to the repeated representations of the embarrassments we labour under for want of their clear and precise instructions with respect to our conduct in the present critical situation of affairs yet it is evident from the whole spirit of their orders for some years past that they look upon the growing power of the Mahrattas with jealousy and apprehension." From this from an adoption of the same sentiments from a regard to the treaty with Hyder, which rather required them to assist than allowed them to join in destroying that sovereign and from a regard to the opinion of the

¹ "It is with infinite concern the Committee observe that notwithstanding their repeated and earnest representations to the Court of Directors of the very critical situation of affairs with respect to the Mahrattas and Hyder Ally which were so fully and clearly explained in order to enable them to give us their sentiments and orders with respect to the conduct they would wish us to observe in so important and interesting a matter we still find ourselves not only without orders, but without the least intimation of their opinion thereon." Select Correspondence 29th November 1771 First Report, Committee of Secrecy in 1781 Appendix No 21

other Presidencies, they determined not to comply with the exhortations or commands of Sir Robert. They would have thought it advisable on the other hand to support Hyder as a barrier against the Mahrattas, had not the opposition of the Nabob, supported as he was by the minister of the King, placed it, for want of resources, out of their power. They determined, therefore, to remain neutral, and only to collect a body of troops in some central position, where they might best protect the country in case of an attack, and distress the enemy by cutting off their supplies.

The Mahrattas, notwithstanding their threats, had not, it would appear, any serious intention of invading Carnatic, for in the month of January, 1772, the Nabob and Sir Robert, finding the Presidency inflexible against their project of alliance, found the means of prevailing upon them to promise a cessation of hostilities till the pleasure of the British King should be known.¹ The Mahrattas were afraid of provoking the English to join Hyder Ali; and they began now to feel their situation abundantly uneasy. The activity and capacity of that great leader were still able to give them incessant annoyance, and the country was so excessively ravaged and exhausted, that the means of subsisting an army could no longer be found. They became, therefore, desirous of an accommodation, and in the beginning of July consented to a peace, for which however, they made Hyder pay very dear, both in territorial and pecuniary sacrifices.²

¹ That they gave money and gave largely, appears plainly from a letter in Rous's Appendix, p. 952.

² See First Report *ut supra*, p. 28, and Appendix, No. 20, 21, 22, 23, and the Papers published by the Directors in Rous's Appendix, No. 17 and 28.

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CHAP. 4

1771

If a judgment may be formed from this instance, the chance for good government in India, if the ministers of the crown were to become, and the East India Company cease to be its organ, would undergo an unfavourable change. The course into which the ministers of the crown would have plunged the nation bears upon it every mark of ignorance and folly that which was pursued by the East India Company and their servants is eminently characterised by prudence and firmness.

Amid the pecuniary wants of the Nabob and the Presidency, both had often looked with a covetous eye to the supposed riches of the King of Tanjore. They considered the natural fertility of his country and its general exemption from the ravages of the war which had desolated the rest of the province but they did not consider that the temporizing policy by which he had laboured to save himself from the resentment of all parties, had often cost him considerable sums that the wars which raged around and perpetually threatened himself had imposed upon him the maintenance of an army as great as he could possibly support that the country which he governed though fertile was small; that the expense of a court aims to be as grand in a small as an extensive country that the expense of protecting a small country is comparatively heavy that hardly any government has ever yet been so good as not to expend as much as it could possibly drain from its subjects and that the government of Tanjore was a true specimen of the ignorance and rudeness of the Hindus.

In the war with Hyder the Rajah of Tanjore had not only contributed less both in troops and treasure to the maintenance of the war than was expected of him but was known to have held a correspondence

with Hyder; and if he did not afford, at any rate 1 OK V
 promised assistance Without making any allowance CHAP 4
 for the current policy of the feeble princes in India, 1771:
 who aim at contributing as little as possible to the
 wars of the greater powers, from which they see not
 that they have any thing to gain, and by professions
 of friendship for both parties, to avert the dangers of
 their resentment, the Company and the Nabob were
 sufficiently disposed to have treated the Rajah as a
 faithless ally In the treaty, however, which they
 concluded with Hyder in 1769, they insisted upon
 including the Mahratta chieftain Morari Row, whose
 territories would have formed a convenient conquest
 for Hyder; and he refused to accept the condition,
 unless the Rajah of Tanjore was admitted to the
 same protection. That the Rajah might not appear
 to owe his safety to the interposition of Hyder, the
 English pretended to regard him as their partisan,
 and included him in the treaty as their own ally.

In their letter to the Select Committee at Fort St.
 George, dated 17th March, 1769, the Court of Di-
 rectors said, " It appears most unreasonable to us that
 the Rajah of Tanjore should hold possession of the
 most fruitful part of the country, which can alone
 supply our armies with subsistence, and not contri-
 bute to the defence of the Carnatick We observe
 the Nabob makes very earnest representations to you
 on this subject, wherein he takes notice that the Ze-
 mindars of the Carnatick have been supported, and
 their countries preserved to them by the operations
 of our forces employed in his cause, and that nothing
 was more notorious, than that three former princes
 of the Carnatick had received from the Tanjore Ra-
 jah seventy, eighty, nay even one hundred lacs of
 rupees at a time. We therefore enjoin you to give
 the Nabob such support in his pretensions as may be

BOOK V effectual and if the Rajah refuses to contribute a just
 CHAP 4 proportion to the expense of the war you are then
 1771 to pursue such measures as the Nabob may think
 consistent with the justice and dignity of his govern-
 ment. Whatever sums may, in consequence of the
 above orders, be obtained from the Rajah of Tanjore
 we expect shall be applied to the discharge of the
 Nabob's debt to the Company and if more than
 sufficient for that purpose to the discharge of his
 debts to individuals "1

Upon this injunction of the Court of Directors,
 the Select Committee deliberated on the 13th of Sep-
 tember 1769 "With regard," they say "to the
 demand recommended to be made on the King of
 Tanjore, our situation at this time is such for want
 of money, that, if there were no other obstacles, that
 alone would put it utterly out of our power to un-
 dertake an expedition against him The treaty of
 1762 being before the Hon Court considering also
 on the other hand the late conduct of the King of
 Tanjore, we certainly should not postpone an un-
 dertaking so warmly recommended if it were in our
 power now to attempt it consistently with good po-
 licy and the safety of the Carnatic But as the case
 is were the difficulty of money out of the question
 it would become a point of serious consideration
 whether an attempt upon Tanjore might not again
 involve us in a war with Hyder Ally as the Rajah
 is expressly included in the treaty lately made with
 Hyder Ally Khan However unreasonable it may
 be that he should enjoy the benefits derived from the
 government of the Carnatic without contributing his
 proportion of its expense and however impolitic
 and contrary to the natural rights of government to

suffer such a power to remain independent in the heart of the province, we must submit to necessity, and the circumstances of the times. He has indeed lately made some objections by his letters to the payment of his annual peshcush, alleging in excuse the great expense of the troops sent to join our army; although, as the Nabob informs us, it be contrary to the custom of the country for tributary princes to make any demands for the charges of troops furnished to the power to whom they are tributary, while employed within the districts dependant on such power. Should he persist in requiring an abatement in the peshcush due on account of his late charges, it might furnish us with a just pretext to accuse him of a breach of his engagements, and to take our measures accordingly when our situation will admit of it. But as the case now is with us; under difficulties to provide the money necessary even for our current expenses, doubtful of the intentions of the Mahrattas; suspicious of the designs of the Subah; and apprehensive of the King of Tanjore's calling upon Hyder for aid, and thus raising a fresh flame, the Committee are clearly of opinion, that at this juncture the undertaking would be impolitic and unwarrantable."¹

The Rajah had urged, that, instead of having any money, the late expenses, which was the fact, had involved him deeply in debt, and he prayed, if a remission could not be granted, at any rate for a delay in the payment of the exacted tribute; an indulgence to which the expense incurred by him in sending troops to assist in the wars of the Nabob afforded, he thought, a reasonable claim.²

Early in the month of February, 1771, the Presidency received intelligence that the Rajah of

¹ Papers, ut supra, p 631.

² Ib p 563, 564

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1771

The Nabob called upon the Presidency, with unusual force and boldness of importunity, to make war upon the Rajah., as the honour of his government was concerned in chastising a refractory dependant and the honour of the Company's government was concerned in supporting a faithful ally Sir John Lindsay vehemently urged the same conclusions, not without reproaches that the Presidency were betraying the Nabob and violating their duty, by even deferring the assistance which he required¹

On both hands the Presidency were assailed by the greatest difficulties. There was imminent danger that the views of Sir John Lindsay who was the creature of the ministry, would prevail at home and that the Council should they refuse to join with the Nabob, would be condemned punished, and disgraced. They were restrained on the other hand, by the consideration of the want of money of the improbability of receiving sufficient funds from the Nabob, of the danger while the troops were engaged in a distant quarter of an attack upon the Circars by the Nizam and of a war with the Mahrattas, with whom the King of Tanjore was allied and who already hung over the Carnatic with alarming menaces. They believed that beside the Nabob's old passion for the conquest of Tanjore, he was at present stimulated by the desire of that part of the Mysore country which lay on the Carnatic side of the passes and which he had been promised by the Mahrattas, as the price of the assistance which they wished to receive that he now despaired of being able to persuade the English to give that assistance but expected if he could inveigle them into a war with the King of Tanjore, that they would then be glad to form an

alliance with the Mahrattas, in order to escape the calamity of their arms. In these circumstances the Governor and Council bitterly complained, that they were left by their honourable masters, with instructions and orders which might be construed all manner of ways; and that, whatever course they took, they were sure of condemnation if they failed, could expect approbation, only as a consequence of success.¹ They resolved to collect as much of the army and of military stores, at Trichinopoly, as could be done without appearing to prepare for war; and to abstain from hostilities unless unavoidably involved in them.

Inquiring into the supposed dependance of the Marawar country, the Presidency found, that both Tanjore and Trichinopoly had alternately made use of their power to set up and put down the chiefs of Marawar. But in conclusion, "it appears," they said, "to us, that the only right over them is power, and that constitutionally they are independent of both; though Trichinopoly, since it has been added to the government of the Carnatic, having been more powerful than Tanjore, hath probably received more submission from them." Between states in India, "power," they remark generally, "is the only arbitrator of right; established usage or titles cannot exempt one state from a dependance on another, when superior force prevails, neither can they enforce dependance where power is wanting."²

These reasonings and conclusions, with regard to Tanjore, bear date in the records of the Presidency

¹ See these considerations balanced, and this severe condemnation, passed upon their employers, Papers, ut supra, p 662, 663, 666, 679

² Ib p 682, 682*. According to this account, there is no constitution in India but the law of the strongest. The fact is important, and has often (I should not err much if I said always) been mistaken, by the inaccurate minds, which hitherto have contemplated Indian affairs

BOOK V from the beginning of February to the end of March
 CHAP 4. On the 12th of June, when Trichunopoly was suffi-
 1771 ciently supplied with stores for defence, and the
 question was to be determined whether more should
 be sent, the Nabob dissuaded any further prepara-
 tions alleging that the Mahrattas would never give
 the necessary respite for undertaking an expedition
 against Tanjore, and that to him every article of
 expense, however small, was an object of importance
 Upon this, the Presidency express themselves in the
 following terms "When we consider the earnest
 and repeated solicitations urged by the Nabob to en-
 gage us in an expedition against Tanjore when we
 consider the taunts and reflections cast on us by Sir
 John Landsay for refusing to comply with the Nabob's
 requisition of proceeding immediately against Tan-
 jore at a time when we were unprepared, when we
 consider that our apprehensions from the Mahrattas
 are not now near so great, since most of the grain is
 now collected in the different forts, which would ren-
 der it difficult for an army of Mahrattas to subsist
 all these circumstances considered it appears strange
 that the Nabob should so suddenly alter his opinion
 and should now decline entering on the expedition
 which he so lately and so earnestly urged us to under-
 take" They conjectured that as his grand motive
 for urging the expedition at first was to force them
 into an alliance with the Mahrattas so now, despair-
 ing of that event he wished not to give the Mahrat-
 tas a pretext for overrunning his dominions.¹

On the 21th of July, the Committee resolved
 first, that an expedition against the Rajah would, in
 itself, be advisable but being contrary to the incli-
 nations of the Nabob ought not to be undertaken

secondly, that negotiation should be used instead of war, and that the negotiation, in which the Nabob wished the English not to appear, should be left to be conducted by that ostensible prince.¹

BOOK V.
CHAP. 4

1771.

No sooner was conference attempted than the Rajah declared, that he had already "referred all differences between him and the Nabob to the Company, and that he wished the Company would mediate between them, that he was ready and willing to settle terms of accommodation under the guarantee of the English, on whose faith and promise he would rely; but that he would never trust the Nabob without the security of the English, as he well knew the Nabob's intentions were to accommodate matters for the present, but that he had bad intentions whenever an opportunity should offer in future."²

On the 29th of July, the demands of the Nabob were presented to the Rajah's vakeel at Madras; but as he required fifteen or twenty days to receive the instructions of his master, and as the distance of Madras would aid the Rajah in spinning out the time till the commencement of the rains, the Nabob proposed to send his two sons to Trichinopoly, the eldest, Omdut ul Omrah, to conduct the negotiations; and the younger, Mader ul Mulk, to manage the supply of the army; while the negotiation, he thought, should be supported, by the show of inevitable war, if the Rajah declined implicit submission.³

Now was required a decision on the question, what, if the war should issue in a conquest, was to be done with Tanjore. The Presidency knew, that the grand cause of the reluctance which the Nabob had latterly shown to the war, was a fear lest the Company should conquer Tanjore for themselves; and, that

¹ Papers, ut supra, p. 696

² Ibid 717

³ Ibid 718, 720

BOOK V there was no accommodation, how unfavourable so-
 CHAP 4. ever, which he would not make with the Rajah, rather

1771 than incur the hazard of so hateful a result. The Nabob offered to give to the Company ten lacs of pagodas, if, after conquering, they delivered Tanjore, in full dominion to him. The Presidency wished to reserve the question to the proper authorities in England, but the Nabob would not consent. The Presidency imagined, that as they had now convinced the Rajah of the hostile designs both of themselves and Nabob, it was highly dangerous to leave him possessed of power, which he would have an interest in lending to the French, or any other enemy and as they could not proceed to war except with consent of the Nabob, it was therefore best to comply with his terms¹

Early in September the young Nabob, (such was the name by which the English generally spoke of Omdut ul Omrah) who had repaired to Trichinopoly, to conduct the negotiation, reported to General Smith, the commander of the English troops, that nothing but compulsion would bring the Rajah to the submission required. The army was ready to march on the 12th of September but the department of supplying the army had been intrusted wholly to the Nabob's second son and it was found upon inquiry that there was not rice in the camp for the consumption of a single day²

The greatest exertions were made by the general to enable the army to move and on the 16th it arrived before Vellum a fortress of considerable strength and one of the great bulwark of Tanjore. The battery, having been constructed first in a wrong place was not ready till the morning of the 20th

Papers at supra, p. 726—731

¹ General Smith's Letter 12d. 74*

and the breach could not have been made practicable till about three o'clock the next afternoon, but towards evening the garrison stole out of the fort.¹

BOOK V.
CHAP 4.
1771.

On the 23d the army again marched, and encamped before Tanjore. They broke ground late on the evening of the 29th, and by that time began to be distressed for want of provisions. On the 1st of October, the enemy made a strong sally, which threatened to have considerable effects; but Major Vaughan, the officer against whose post it was directed, acted with firmness and judgment, and the attack was repelled without much loss. The operations proceeded but slowly. The 27th of October had arrived, when the engineers reported that the breach would be practicable the next morning. On that day the young Nabob signed a peace with the Rajah, and hostilities ceased.²

The Rajah engaged to pay eight lacs of rupees for arrears of peshcush; 30,50,000 for the expense of the expedition, to restore whatever he had taken from the Marawars; and to aid with his troops in all the wars of the Nabob. Vellum was the principal difficulty. It was finally agreed, that it should be restored to the Rajah, but demolished if the Nabob chose.

Before this event, a dispute had arisen about the plunder. Omdut ul Omrah was informed, that, by the usage of war, the plunder of all places, taken by storm, belonged to the captors. Omdut ul Omrah, unwilling to lose the plunder of Tanjore, offered a sum of money in lieu of it to the troops. His offer was not satisfactory, and a disagreeable and acrimonious correspondence had taken place. By concluding a peace, before the reduction of the fort, any

¹ Papers, ut supra, p 744—750

² Ibid 755—790

BOOK V allowance to the army was a matter of gratuity not
 CHAP 4 of right.¹

1771 The Presidency were struck, as they say, with "alarm" when, expecting every hour to hear of the fall of Tanjore, they were accosted with the news of the conclusion of a peace. They expressed the greatest dissatisfaction with the terms which ought, in their opinion to have been nothing less than the surrender of the fort at discretion. The terms were not only inadequate, but no security, they said was provided for the execution of them such as they were. On this account they held it necessary to keep themselves prepared as for immediate war. Orders were sent not to give up Vellum without farther instructions. The expectation was entertained that the Rajah would not be exact to a day in the delivery of the money and jewels he had agreed to resign. This happened. The want of punctuality was pronounced a breach of the treaty, the guns had not yet been drawn out of the batteries and the troops were under the walls of Tanjore the fort of Vellum and the districts of Coiladdy and Flangad were demanded a renewal of hostilities was threatened as the only alternative the helpless Rajah could do nothing but comply.²

In averting from them elses the effects of this disapprobation the General stated that he communicated to Omdut ul Omrah the progress of the siege and the great probability of success that he had no control over the negotiation and was bound by his instructions to desist from hostilities the moment the Nabob desired on the other hand Omdut ul Omrah affirmed that he took not a step without consulting the General that the troops were under the

greatest apprehension on account of the rains which had begun; that when the breach was partly made, he stated the terms to which the Rajah had yielded, declaring that he would not accept them, if the fall of the place were assured; that the General replied, he could not say he *would* take the place, but he would endeavour to take it, that being asked his opinion, whether the Rajah would give such terms as he now offered, if the siege were unsuccessful, the General said, "My opinion is, that in that case he will give you nothing, but if he does he is a great fool;" that when asked if he would guarantee equivalent terms in case the enterprise miscarried, he repelled the proposal; that when peace was then held up to his view, as what in that case appeared the most politic choice, he replied, "It was well; it was at the Nabob's option."¹

BOOK V.
CHAP 4
1771.

Before all things were settled with Tanjore, the Nabob made application for the Company's forces to reduce the two Marawar Polygars. The Governor and Council, in their letter upon this to the Court of Directors, make the following pertinent remarks: "It is well worthy of observation that Marawar and Nalcooty are the two Polygars whom the Rajah of Tanjore attacked in the beginning of the year, asserting their dependance on his government; while the Nabob claimed the right of protecting them, as tributaries to the government of Trichinopoly. It was in this cause that the late Plenipotentiary² took the field of controversy, asserted the Nabob's pretensions to us, who did not deny them; exaggerated the outrage of the Rajah of Tanjore in taking arms against them; and extolled their obedience and submission to the Nabob's government: and he will say, he

¹ Papers, *ut supra*, p 803, 857

² Sir John Landsay

BOOK V
 CHAP 4
 1771 *compelled* us to vindicate the Nabob's dignity. What honours are due to the minister's zeal for his *friend's* cause! mark now the reasoning of that *friend* the Rajah humbled Marawar and Nalcooty, from obedient dependants, become immediately dangerous and ungovernable delinquents and there can be no safety to the Nabob's government unless they are reduced."

Notwithstanding the contradiction which the Presidency thus remarked in the pretexts of the Nabob they consented, without any difficulty in this case to undertake the expedition. The season of the rains of necessity delayed their operations but in the mean time inquiries were made terms were settled with the Nabob and the army was kept ready at Trichinopoly, the nearest of the stations to the place of attack.

The Nabob imputed no other crime to the Marawars, except their not sending troops to the late war upon Tanjore and not paying the money which he exacted of them. And the Presidency acknowledged that he had no right over them whatsoever but that right of oppression which is claimed by the strong man over the weak. The reason for concurring with the Nabob in his desire to attack them was, that the Nabob, by his ill usage had made them his enemies. They concurred they said "not to gratify the Nabob's revenge on those Polygars but because if they were not originally and naturally he has made them his enemies and therefore it is necessary they should be reduced. It is necessary or it is good policy they should. We do not say it is altogether just for justice and good policy are not often related."

The objects however of the Nabob and of the

¹ Tanjore papers at supra, p 1062

Revd. p. 967 corresponds with p 1035 par 24

Company were somewhat different The ardent passion of the Nabob was to destroy every creature who bore any rule in the country, and place the whole under his own immediate authority. The intention of the Company was by no means to proceed to "the total extirpation of the Polygars; but only to reduce them to such a state of dependance, by seizing their forts and strong holds, as might prevent their being troublesome in future."¹

BOOK V.
CHAP 4
1772

The Nabob's application for reduction of the Marawars was made at the beginning of November, 1771; at the beginning of December, when the concurrence and views of the Presidency were understood, he recommended, if not a dereliction, at any rate a suspension of the design, for fear of the Mahrattas, and at the beginning of March, 1772, he renewed his application for undertaking the expedition. On the 12th of May, a force, consisting of 120 artillery-men, 400 European infantry, three battalions of sepoys, six battering cannon, a body of the Nabob's cavalry, and two of his battalions of sepoys, marched from Trichinopoly, accompanied by Omdut ul Omrah, who was deputed by his father to conduct all operations, not military, connected with the expedition. They arrived, having met with no opposition, at Ramnadaporam, the capital of the greater Marawar on the 28th. The batteries were opened in the morning of the 2d of April, and a practicable breach was effected before the evening. This time a bargain had been made with the Nabob, that he should not forestall the wishes of his allies, by the precipitate conclusion of a peace. Terms were, however, offered both by Omdut ul Omrah and the General, which, notwithstanding their inadequate means of resistance,

¹ Tanjore papers, ut supra, p 1081.

BOOK V the people of the Polygar refused The fort was
 CHAP 4 assaulted the same evening and carried with the loss
 1772. of only one European and two sepoys killed The
 Polygar, a minor of only twelve years of age with
 his mother and the Duan, were taken in the place
 and soon reduced to a situation which extorted the
 compassion of Englishmen The Nabob bargained
 for the plunder by a sum of money to the troops¹

The Nabob's troops, before the 15th of June, were
 put in possession of all the forts in Great Marawar
 and on the 16th the army began its march toward
 the other principality of that name The Polygar
 had betaken himself to a strong hold, named Kala-
 Koil or Carracoil, surrounded by thick woods, which
 they approached on the morning of the 23d An
 English officer, with a detachment of the army, was
 sent to approach by a road on the opposite side, with
 a hope either of drawing off some of the enemy's
 attention, or of finding an opportunity to enter by
 surprise In the mean time submissive offers arrived
 from the Polygar To guard against any stratagem
 to amuse the advance of the troops was not inter-
 rupted till the morning of the 25th when Omdut ul
 Omrah gave the General notice that peace was con-
 cluded, and requested that orders might be sent to
 stop the detachment The orders, it seems were
 intrusted to the Polygar's vaheels the Polygar's va-
 heels, it is said used not the requisite diligence at
 any rate the sending of the orders was unhappily if
 not criminally mismanaged the detachment ad-
 vanced found the Polygar reposing upon the security
 of the treaty, and totally off his guard with scarcely
 any resistance it entered the place, and the Polygar
 was killed while endeavouring to escape at one of the

gates.' The Nabob, heré too, gave a sum of money BOOK V
 in redemption of the plunder. And these sums CHAP 4.
 became the subject of immediate animosities and 1772.
 disputes, among the parties by whom pretensions to
 a share of them were advanced ¹

The settlement of the territory was rendered difficult, by excess of misgovernment. The people of the country, who had facilitated the conquest by remaining at their ploughs, and who expected equal indulgence under one despot as another, were turned out of their lands, and took arms all over the country. "I must represent to you," said the English officer, who was left to support Omdut ul Omiah, (these are the words of a letter addressed to the Council,) "that the settling this country in the manner expected by the Nabob, requires extremities of a shocking nature. When we are marching, we find all over the country most villages abandoned by the men, there remaining in them only women and children, who, likely, if the Nabob persists in this undertaking, must, with other poor innocents, become a sacrifice to this conquest: For, if any of our baggage remain behind, it is usually taken; our parties and stragglers are attacked. This is done by the inhabitants of some village or other. Those villages being pointed out to me, I cannot pass the outrage without punishment; and not finding the objects on which my vengeance should fall, I can only determine it by reprisals, which will oblige me to plunder and burn those villages; kill every man in them, and take prisoners the women and children. Those are actions which the nature of this war will require. For, having no enemy to encounter, it is only by severe examples of that kind, that we may expect to terminate it, so as to answer the end proposed."²

¹ Papers, ut supra, p. 1083—1085, 1006, 1037 ² Ibid p. 1058

BOOK 1
CHAP 4.

1778.

Complaining, that they were left without any specific instructions by the Court of Directors, that they were commanded generally to support the Nabob in all his pretensions, that they were blamed as not having given him sufficient support, that they were bullied by the Plenipotentiaries to support him more than they could believe was either expedient or safe, the Governor and Council alleged that they were led on by that friend and ally from one step to another without knowing where to stop and without being able to make those reservations in favour of the Company, which the interests of the Company appeared to require. In this manner had Tanjore been humbled and fleeced. In this manner the two Marawars had been conquered, and delivered up as a dominion to the Nabob. It must be allowed that except for a little time when he first demanded the attack on Tanjore, the Presidency had shown themselves abundantly forward to second or rather to excite the Nabob's ardour for conquest of the minor states. The Nabob had only one scruple the fear of their conquering for themselves. The declarations, however, of the Presidency of the Directors, and the King's minister plenipotentiary the interpretations of the treaty of Paris and especially the recent example in the surrender of the Marawars raised up a hope in his Highness that the time was at last arrived when the long desired possession of Tanjore might be fully acquired.

In a conference with the President about the middle of June 1778 the Nabob brought complaint that there was now due from Tanjore about ten lacs of rupees that the Rajah had applied to the Mah rattas and to Hyd r for a body of troops and had encouraged the Collories to ravage part of the Carnatic territory " and intimated his intention of sub-

duing him; all which he desired the President to consider of.”¹

BOOK V
CHAP 4

After a few days, at another conference, “ the Nabob expressed his earnest desire that the expedition should be undertaken; spoke much of his friendship to the Company; and to show his regard for them was willing, in case of success, to give them ten lacs of pagodas.”²

1773.

As the question immediately occurred, what, in case the expedition was undertaken, was to be expected from, or done with, their neighbours, Hyder, and the Mahrattas, a curious change appeared in the sentiments of the Nabob. A friendship, he said, must be established between him and Hyder; for notwithstanding all that he had done to procure for the Mahrattas the benefit of English assistance, “yet he found they were not fair and open towards him at Poonah;”³ and that whether he reduced Tanjore or did not reduce it, they would still come against him when it suited their affairs, that by God’s blessing, however, if he and Hyder were joined, they would, with the assistance of the English, keep the Mahrattas effectually on the other side of the Kistnah.”⁴

On the 22d of June, the question underwent deliberation in the Select Committee. As to the complaint about the moneys unpaid, the Committee pass it over as a matter of slight importance. And as to the other complaint, that the Rajah was looking to the neighbouring powers for support against the Nabob, of which they had before them no satisfactory

¹ Papers, ut supra, p 1107

² President’s Report to the Select Committee, Ibid 1108

³ His not getting for them assistance from the English, he represented as the cause of their want of friendship, since they believed (of course he had told them) that “ he had got the entire control of the whole English nation, and could make them do as he pleased ” Ibid

⁴ Ibid

BOOK 1
CHAP 4

1773

proof, they are constrained to confess, that, if it were true, he would not be to blame. 'That the Nabob,' they say, "has constantly had in view the design of conquering Tanjore, will not admit of a doubt. We are firmly persuaded, that his chief motive for concluding peace with the Rajah, at a time when our troops were upon the point of getting possession of the place, arose from his jealousy lest the Company purposed at a convenient opportunity to take the country from him. By that expedition, however, he obtained what he earnestly wished for, namely, the removal of that restraint which he thought himself under, by the Company's guarantee of 1762"

The Committee next record a solemn declaration, that the treaty, which was then concluded left the Rajah at the mercy of the Nabob, and bound, by a sense of self preservation, to seek for protection against him in every quarter. We then expressed our firm opinion, that the peace, concluded *without the intervention of the Company* would not be considered by the Rajah as any security to him and that he would avail himself of the first opportunity of freeing himself from *his apprehensions of the Nabob*. The intelligence communicated to us by the Nabob of the Rajah's application to the Mahrattas and Hyder Ally for assistance is, in some measure, confirmed by the advices transmitted to us by Mr Mostyn from Poonah. 'Neither is the conduct of the Rajah in this instance to be wondered at. The apprehensions he before had have been increased by the

¹ The author of the Defence of Lord North (Introd. p. 63) says that by the Nabob people were engaged to procure the Rajah's release at Poonah that letter was elaborately and all sorts of artifice employed to mislead the Company were not. The redundancy is a little complete but that the Nabob's letters of intelligence are always a set of facts exactly calculated to mislead us is what every body who reads the Nabob's letters must be convinced of.

publication of the Nabob's intention of reducing him, which has gained credit all over the country He knows that, in our present situation, we cannot interfere, in the disputes between him and the Nabob; that the Nabob did not even allow his vakeel to visit the late President. Under these circumstances, it is not surprising, that the Rajah should endeavour to strengthen himself, by every means in his power, to enable him to withstand any attempts of the Nabob against him."¹

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1773.

That the Presidency had reason to pass over in silence, or at least with neglect, the complaints of the Nabob, respecting the payment of the Rajah's debt, sufficiently appears from the statement of the facts. Of fifty lacs, exacted as the compensation for peace, twelve lacs and a half were paid down. By mortgaging jewels and land, to the Dutch at Negapatnam, and the Danes at Tranquebar, he had contrived to pay the remainder, together with eight lacs for the peshcush of two years, leaving a balance of only ten lacs upon the whole.²

Notwithstanding the absence of criminality on the part of the Rajah, the Presidency resolved that they ought to destroy him. "It is evident," they say, "that in the present system,³ it is dangerous to have such a power in the heart of the province: for, as the Honourable Court have been repeatedly advised, unless the Company can engage the Rajah to their interest, by a firm promise of support in all his just rights, we look upon it as certain, that, should any

¹ Papers, ut supra, p 1117

² See the Letter from the Dutch to the Nabob (Ibid 1273), Defence of Lord Pigot, Introd 64

³ By present system, they mean the orders from England to support the Nabob, as absolute sovereign, in all his pretensions, which held their hands from interfering to protect the Rajah

BOOK V troubles arise in the Carnatic, whether from the
 CHAP 4 French or a country enemy, and present a favourable
 1773 opportunity of freeing himself from his apprehensions
 of the Nabob, he would take part against him, and
 at such a time might be a dangerous enemy in the
 south. The propriety and expediency, therefore, of
 embracing the present opportunity of reducing him
 entirely, before such an event takes place, are
 evident. ¹

Never, I suppose, was the resolution taken to make
 war upon a lawful sovereign, with the view of 're-
 ducing him entirely,' that is stripping him of his
 dominions, and either putting him and his family to
 death, or making them prisoners for life, upon a more
 accommodating principle. We have done the Rajah
 great injury. We have no intention to do him right.
 This constitutes a full and sufficient reason for going
 on to his destruction. Such is the doctrine. The
 practical improvement is obvious. Do you wish a
 good reason for effecting any body's destruction?
 First do him an injury sufficiently great and then if
 you destroy him you have in the law of self-defence,
 an ample justification. ¹

In the opinion of the Presidency, no danger at-
 tended the operations required for the destruction of
 the Rajah. As to Hyder, he had too much business
 on his hands, and knew his own interest too well, to
 make the English just now his enemies on account of
 the Rajah. With regard to the Mahrattas, they were
 sure to invade the Carnatic whenever they could
 expect to do so with any success and that would
 happen neither sooner nor later on account of the
 reduction of Tanjore. ²

The next point to consider was the conditions upon

which the Nabob should be accommodated with the destruction of the Rajah and the transfer of his dominions. The first condition was, that the Nabob should advance cash, or good bills, sufficient for the expense of the expedition. The second was, that all sorts of necessaries, excepting military stores, should be amply provided by the Nabob. The third was, that instead of paying for 7,000 sepoy, he should henceforth pay for 10,000. The condition, which the Presidency endeavoured before the first war to obtain, but which they afterwards gave up, that of reserving the disposal of Tanjore to the Court of Directors; and the maxim laid down by the Directors, and recognised by the Presidency in the case of the Marawars, viz. that it was for the interest of the Company to leave the minor chiefs in the Carnatic totally defenceless, as likely to aid the Nabob in those schemes of independence which he incessantly cherished; were on this occasion totally neglected.

The Nabob, in these cases, was accustomed to press his project eagerly, as long as he found the Presidency reluctant or undetermined; as soon as he found them engaged, and warm in the project, to manifest something of indifference, or aversion. So it happened, on the present occasion. The Nabob, after several conferences, told the President, "he would not be too pressing upon the expedition's being undertaken, without it suited the Company's affairs." The Presidency, however, were in a very different disposition; they were determined, and impatient, to begin the operations immediately.¹

¹ Papers, ut supra, p 1122, 1125 There is secret history in many of the proceedings of the Company's servants, which it is not possible to bring forward with such evidence as history admits, and which, except in a very general manner, it is not within the province of history to trace

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The Nabob, without much difficulty, accepted the conditions, on which the Presidency were eager to make for him the conquest of Tanjore, and it was agreed, that no peace should be concluded with the Rajah, unless it should be found to be absolutely impossible to effect his destruction. The General was furnished with his instructions on the 5th of July. The Nabob bargained with the troops, by a sum of money for the plunder of Tanjore if the place should be taken by storm. And on the 3d of August the army marched from Trichinopoly.

They encamped, after a skirmish, within a short distance of Tanjore, on the 6th of August. On the 13th, the following letter was received from the Rajah. 'The friendship and support offered by the English to this country is a matter of universal celebration and report among all the Mahratta and Rajahpoot nations as well as others. We have quietly submitted to the hard terms imposed on us by the Nabob and have given him all that, by these means, he required. Some deficiency happened in the revenues of the mortgaged lands for the payment of the sums so deficient as well as the last year's peshcush (though the latter was not yet become due) I borrowed of the Soucars and having engaged with them also for an additional sum to discharge

Such articles of evidence as present themselves may be admitted for consideration. The Author of the History and Memoirs of the East India Company than whom no man was better acquainted with the secrets of Madras and who though he is prejudiced and certainly not a commendatory writer says, (p. 21) of the crime of the Rajah was "sending to borrow money of the Dutch and falling in with the plot of borrowing at Madras, "with more candour and it might be said tent the great sums at Madras might have been lent to him looking forward to the recovery of them. But the English Government's fault was less prudent than that of the Rajah's. Sir John Dalrymple as an expert agent at Madras might have been, when he was to obtain a favour."

what was due to the young Nabob and other lesser accounts, I took bills for the whole amount, and sent them to the Nabob ; who, having protested my bills,¹ has set on foot an expedition against me. Considering that no deviation of conduct can by any means be laid to my charge, and that I have fulfilled my engagements in respect of the payments I agreed to, I am confident you can never consent to this measure. Some offence should surely be proved upon me, before an expedition be undertaken against me: Without any show of equity to wage an unjust war against me, is not consistent with reason. This

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¹ This transaction is explained, in the following manner, by the Author of the " Defence of Lord Pigot " (Introd p 64.) " It happened that one Comera, a dubash of the virtuous Mr Benfield, was at Tanjore, when the Nabob threatened a second visit This Comera, servant of Mr. Benfield, was employed in lending money on mortgages. To him the Nabob addressed his Self, through him, he mortgaged to Mr Benfield some districts, which had been formerly mortgaged to the Nabob, and obtained from Comera bills on his master Mr Benfield payable at Madras for the twelve lacs which by the treaty of 1771 were still to be paid But it was not the intention of the Nabob to receive this last instalment His confidence in the servants of the Company was increased. And he now determined at all events to get possession of Tanjore He therefore sent for the dubash, and by proper application, prevailed on him to deny that he gave the draughts by proper applications he raised unexpected scruples in the breast of the delicate Mr Benfield Though he now avows that he has mortgages to a considerable amount in the Tanjore country, yet *then*, in a more enlightened moment, he discovered that it was his duty, as a servant obedient to the orders of the Company, to reject any proposal of lending money on mortgages He does not indeed deny that the bills were drawn on him he allows them to have been drawn, and actually sent to the Nabob so far he contradicts his agent. But he seems not to know who it was that drew them His own servant, Comera, dwindles, in his account, into an undescribable creature without a name, a black man to the southward, with whom the virtuous Mr Benfield had indeed some mercantile concerns " In this statement, the fact of the drawing of the bills, and of their not being accepted by Mr. Benfield, are established For the remaining points we have only the authority of the writer, and the mode of gaining a delicate point at Madras, the writer, it is to be remembered, a partisan, but the mode of gaining points at Madras, notorious, habitual, and altogether concordant with the assertion

BOOK V charitable country is the support of multitudes of
 CHAP 4 people If you, Sir, will preserve it from destruction,
 1773 you will be the most great, glorious, and honoured of
 mankind. I am full of confidence, that you will
 neither do injustice, yourself, nor listen to the tale of
 the oppressor I only desire a continuance of that
 support which this country has formerly experienced
 from the English, and you will reap the fame so good
 an action deserves¹

Ground was broken before Tanjore, late on the evening of the 20th of August, and a party was advanced to a commanding spot within 500 yards of the walls. On the 23d the engineers had run their parallels to the destined extent, but had not time to erect a redoubt which was intended to secure their left. On the morning of the 24th, the enemy sallied in a considerable party, and attacked the trenches with musketry They retired upon the brisk advancement of the grenadiers, but not without some loss to the English assailants On the 27th, in the morning the batteries were opened About the same time the Presidency received from Mr Mostyn at Poonah, a letter, to say, that a dispute between the Peshwa's government, and that of Berar afforded present occupation to the Mahrattas and removed the danger of interruption to the expedition against Tanjore. The approaches were made and the breaching batteries opened, early in the morning of the 14th of September On the 16th a passage of twelve feet wide was completed across the wet ditch which surrounded the walls, and the breach was so considerable, that the enemy expected the assault by day light the next morning, when 20,000

¹ Papers at page p 1177 The text of the letter is not so full as his assertions with regard to the effects of the attack rather as little valuable as the rest of the letter

fighting men were prepared to defend the breach. BOOK V.
This hour being permitted to pass, they expected no CHAP 4
farther attempt till the evening; but when the sun 1773.
was in the meridian, and intensely hot, and the gar-
rison had mostly retired to obtain a little refreshment
and repose, the English troops were drawn out with-
out noise to the assault. The success of the stratagem
was complete. The troops entered with scarcely
any resistance, or any loss. And the Rajah and his
family were taken prisoners in the fort.¹ ~~98M628-IV~~

The Dutch had received the seaport town of Na-
gore and its dependancies, in assignment for the
money which they had lent to the Rajah of Tanjore.
It was the wish, neither of the English, nor the
Nabob, that they should enjoy the advantage of re-
taining these possessions. The first pretence made
use of was, that assistance had been lent to the
Rajah against the late expedition. Before the troops
withdrew from Tanjore, a letter was written by
the Nabob to the Presidency, recording the com-
plaint, and demanding assistance to punish the of-
fenders. It was also necessary to send information
of the charge to the Dutch. They utterly denied
the facts; and as there appears to have been no-
thing to prove them, the charge was permitted to
drop. Another resource remained. The Dutch had
purchased Nagore. Upon this the Presidency gravely
and solemnly declare. "As the Rajah of Tanjore
held his lands of the Nabob in fee, he could not,
agreeable to the feudal system, which prevails all over

¹ Papers, ut supra, p 1197—1218 In giving an account, the next day,
of the capture of the place, the English General writes to the Presidency,
"The situation of the Rajah is truly pitiable, and likewise Monajee's
(the Generalissimo), I do therefore hope, as the place has fallen by the
English arms, that the Honourable Board will exert their influence with
his Highness, that those prisoners may be treated agreeable to the rank
they once held in this country" Ibid p. 1218

BOOK V India, alienate any part of his country to any other
 CHAP 4 power, without the consent of his hege lord, the ruler
 1775 of the Carnatic Payen Ghaut."¹ Upon this founda-
 tion, they felt no scruple in joining with the Nabob to
 make war upon the Dutch. Yet it is abundantly cer-
 tain, that such an idea as that of "land held in fee"
 could hardly enter into the mind of a native Indian,
 even in the way of imagination and conception. Such
 a thing as a feudal system or a liege lord, never had a
 1st moment's existence in India, nor was ever supposed
 to have, except by a few pedantic, and half lettered
 Englishmen, who knew little more of the feudal sys-
 tem than the name. If this doctrine were true, the
 English had originally no just title either to Calcutta
 or Madras. When they obtained the one from the
 Subahdar of Bengal he was the vassal of the Mogul
 when they obtained the other from the Nabob of Car-
 natic, he was the vassal of Nizam al Mulk, the
 Subahdar of Deccan. Besides, the Presidency them-
 selves, had only two years before declared that no
 such thing as feudality existed in India that the
 only right of one state over another was power that
 the stronger uniformly exacted tribute of the weaker
 but that legal dependance there was certainly none.²
 The troops advanced. The Dutch made a solemn
 protest against the injustice but they were not in a
 condition to make effectual resistance and they pru-
 dently retired. The Nabob complained of the cold
 heartedness and supineness of his English friends
 because they would not support him in attacking the
 ancient possessions of the Dutch. At length it was
 arranged, that the Dutch should be re-imburshed by
 the Nabob the money which they had advanced to

¹ Consultation of the Governor and Council 23d Sept. 1773; Papers
 at supra, p. 177d.

² Vide supra, p. 81

the Rajah; and that they should give up to the Nabob the lands and jewels which they had received in payment or in pledge.¹

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CHAP 4

1773.

When the former war with Tanjore was projected, the Nabob, though he would not consent that the English should garrison Tanjore, if taken, yet proposed that he himself should place in it a garrison of Europeans. This time he would not consent to even so much, but insisted upon it, that Tanjore should be garrisoned with his own troops.² The Presidency so far attended to humanity, and the suggestion of their own general, as to express their wishes to the Nabob for humane treatment of the Rajah and his family. But they were satisfied with very slight evidence of the gratification of those desires. The wretched Rajah and his mother addressed a letter, each of them, to the Nabob, telling him that they were remarkably well treated. These letters were shown to the Presidency, and the Presidency tell the Directors, "We have much satisfaction to learn, by letters from the Rajah and his mother to the Nabob, communicated to us, that they are treated with much attention and humanity in their confinement."³ The Nabob could never be at a loss, upon such admirable terms as these, for a proof of any thing which he could possibly desire.

Intelligence of the dethronement of the Rajah, and of the transfer of his dominions to the Nabob, was not delayed by the Company's servants. It was received in London with all the documents and details, on the 26th of March, 1774. Three weeks elapsed before the departure of the last ships of the season;

¹ Papers ut supra, p 1226, 1273, 1276, 1281, 1290, 1333, 1361

² Ibid p 1236

³ Ibid. p 1336

Nabob in possession of that kingdom.”¹ They complain, upon this subject, of their servants as sending them disingenuously incomplete information, and then taking their measures without authority.²

BOOK V.
CHAP 4
1775.

With regard to the second expedition, that in 1773, intended for the complete destruction of the Rajah, they declare that it was founded upon pretences which were totally false; 1. as the Rajah was not proved to have committed any offence; and, 2. as the destruction of him, instead of adding to the security of the Company, had only increased its dangers. They decree, therefore, that Mr. Wynch, their President, shall be removed from his office; that the members of their council shall be severely reprimanded; and “unless their zeal for the interests of their employers shall manifest a proper sense of their lenity, that they shall certainly experience more rigorous marks of their resentment”³

After this retrospect of the past, the Directors immediately pen their regulations for the guidance of the future. They regarded two subjects, 1st, the restoration of the Rajah of Tanjore; and 2dly, the management of the Company’s own possessions, on the coast of Coromandel; that is, the Northern Circars, and the jaghire lands in the neighbourhood of Madras. “We are convinced,” say the Directors, addressing the Council of Madras, “that success must, in a great measure, depend upon the wisdom of your councils, the integrity and firmness of your conduct, and in no small degree, upon the seasonable exertion of those peculiar abilities for which your Right Honourable President is so justly and eminently distinguished.”

With regard to the King of Tanjore, the Presidency

¹ General Letter to Fort St George, 12th April 1775, Papers, ut supra, p 145

² Ibid p 146—149

³ Ibid p. 150, 151

BOOK V were first to provide security, by a proper guard, for the
 CHAP 4 persons of him and his family and next, but under
 1775 certain conditions, to restore him to his dominions,
 as they existed in 1762. The conditions were, that
 he should receive a garrison of the Company's troops
 into the fort of Tanjore assign lands for their main-
 tenance pay to the Nabob the peschush of 1762
 assist him with such troops alone as the Presidency
 shall join in requiring form no treaty with foreign
 powers, except in concurrence with the English rulers
 and neither directly nor indirectly furnish any assist-
 ance to their enemies

For the better management of the Company's pos-
 sessions, the Council were directed, "when affairs re-
 specting Tanjore shall have been accommodated and
 finally adjusted," to form a committee consisting of
 five members of the Council, who should make the
 circuit of the Northern Circars, and collect infor-
 mation of all those circumstances in the state of the
 country which government is chiefly interested in
 knowing and, after this information should be
 gained, to take the proper steps for letting the lands
 during a term of years, on principles similar to those
 on which the lands had been let in Bengal. Re-
 specting the jaghire which the Nabob hitherto had
 rented, under the allegation that the appearance, pre-
 sented to the people of the country of the exemption
 of any part of his dominions from his immediate ju-
 risdiction would be injurious to his authority, the
 Directors declared their dissatisfaction with the pre-
 sent arrangement, their determination to take the
 lands under their own control unless the Nabob
 should submit to their conditions and they directed
 their servants in the mean time to let them to him
 only from year to year¹

¹ General Orders, Fort St. George, 17th April 1775. I. p. 20. 21.
 1774, p. 135-137

Lord Pigot resumed the office of Governor of Fort St. George on the 11th of December, 1775. "Upon my arrival," says his Lordship, "I found a general reform was necessary in the settlement, to preserve the Company from ruin."¹ A "general reform" has many enemies; and those, for the most part, very powerful ones. The injunctions of the Directors were to proceed immediately to the restoration of the Rajah of Tanjore. It was, however, agreed that the communication should be made with all delicacy to the Nabob to whom it was known that it would be unpleasing in the highest possible degree. There was no expedient to which Oriental artifice could have recourse which the Nabob left untried to ward off the blow. He endeavoured to make it appear that he had an undoubted right to the possession of Tanjore; he magnified the merit of his services and attachment to the Company; he enlarged upon the disaffection of the Rajah, he claimed the support which the letter of the King of England, brought by Sir John Lindsay, had promised him; he deprecated the policy adopted by the Company, of doing one thing by their servants in India, and the very reverse by their Directors in England, and declared that he was unable to understand them in this double capacity. He tried the tone of humility, he tried that of audacity. He sought to affect their sympathy by reminding them of the many Englishmen to whom he was indebted, and whom, if stripped of Tanjore, he would be less able to pay; and of that confidence in their honour with which he had placed his residence, and that of his family, under the guns of Fort St. George. He offered to place an English garrison in the fort of Tanjore; and only entreated that the country might not be taken out of his hands, till the

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CHAP. 4
1775.

¹ Lord Pigot's Narrative, &c, Defence of Lord Pigot, p. 83.

BOOK V Company, who had proceeded upon partial informa-
 CHAP 4 tion, should decide upon what he had to suggest

1776. The Council availed themselves of his offer to admit an English garrison into the fort of Tanjore because it enabled them at once to set the Rajah at liberty, and guard his person. But they showed the Nabob that the commands of the Directors were peremptory in regard to the time of the restoration, and left them no liberty to grant the delay for which he applied. It seems to have been the expectation of the principal military officer belonging to the Presidency, Sir Robert Fletcher, that he should be the person by whom the immediate business of restoring the Rajah should be performed. But when the President signified his intention of proceeding for that purpose to Tanjore in person the Council voted unanimously, that the business should be placed in his hands and as the crop was on the ground, and the harvest approaching that no time should be lost in giving possession of the country to the Rajah.

Sir Robert Fletcher however though he had joined in the vote for sending the President, proposed another for sending along with him two other members under express and particular instructions of the Board declaring that without this condition he would not have assented to the vote in favour of the President that the Board was not justified in the delegation of undefined and unlimited powers, except in a case of extreme necessity and that if this measure were drawn into a precedent the effect would be to serve the corrupt interests of individuals at the expense of the public. The proposal was rejected by a majority of the Council but the President took with him by choice two members of the Council and one of them a person who had voted for the deputation.

Lord Pigot set out on the 30th of March, and ar

rived at Tanjore on the 8th of April. On the 11th the restoration of the Rajah was proclaimed. Instead of employing the troops of the Company to do nothing more than garrison the fort of Tanjore, the President got the Rajah to request that they might be employed for the protection of the whole country. And instead of assigning revenue barely to defray their expenses, leaving all the trouble and disputation which accounts are apt to produce, he offered to give a neat sum, to cover all expenses, namely, four lacs of pagodas a-year. On the 5th of May, Lord Pigot returned to Madras, and having laid before the Council a copious diary of his proceedings, with all the documents which belonged to them, received a vote of approbation, which, with regard to the general measures, was unanimous.

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1776.

Mr. Paul Benfield was a servant of the Company in the civil department, and as yet in one of the lowest situations. He had betaken himself to more lucrative functions, than the duties of his office; and had become not only a favourite of the Nabob, but the principal agent, in what was at that time one of the first concerns in the settlement, the lending of money

It appears, that Mr. Benfield gave to Lord Pigot a general intimation of certain interests which he held in Tanjore, before the departure of that Lord for the restoration of the Rajah, and received from him a general disavowal of any intention to injure his rights. Immediately after the restoration of the Rajah was proclaimed, a letter from Mr. Benfield was delivered to Lord Pigot at Tanjore, in which he stated, that for money lent to the Nabob he had assignments upon the revenues of Tanjore, to the amount of 405,000 pagodas, equal to 162,000*l*; and for money lent to individuals in Tanjore, assignments upon the present crop to the amount of 180,000 pagodas, equal

BOOK 1 to 72,000/ making together, the immense sum of
 CHAP 4 234,000/., lent by a junior servant of the Company
 1770 with a salary of a few hundred pounds a year, and
 who was conspicuous among other things for keeping
 the finest carriages and horses at Madras.

Lord Pigot replied, that in a case like this, he could do nothing more than lay the circumstances before the Board. Mr Benfield expressed dissatisfaction that the powers of government were not immediately exerted to procure him all that he desired and he wrote to the Council, expressing his confidence that they would afford him "assistance to recover his property, while the Right Honourable President under their commission remained in authority over those countries." Certain Members of the Board were for proceeding immediately to consider the claims of Mr Benfield. The majority, however decided, that the consideration should be postponed till Lord Pigot's return.

A few days after the return of Lord Pigot to the Board, the application of Mr Benfield was appointed for the subject of deliberation. Mr Benfield was called upon for particulars and vouchers but vouchers Mr Benfield was unable to produce. The transactions, he said, were registered in the books of the Cutcherry and the Nabob would acknowledge them. As for the books of the Cutcherry they were never produced and as for the acknowledgement of the Nabob, there were two questions one, whether the assignments of the Nabob, if the debts were real gave any right to the revenues of Tanjore now restored to the Rajah another, whether the whole demand and acknowledgment, taken together were not a collusion between the Nabob and Benfield a studied fraud upon the Company and the Rajah. For the debts said to be due from individuals which in the specification had dwindled down to 30 000 pagodas

there was nothing to give but the word of Mr. Benfield himself. After due consideration a majority of the Board came to the following decision: "That the Rajah of Tanjore, being put in full possession and management of his country by the Company's express orders, it is the opinion of the Board that it is not in their power to comply with Mr Benfield's requests in any respect; those claims on individuals, which bear the appearance of having no connexion with government, not being sufficiently explained to enable the Board to form an opinion thereon, and the assignments of the Nabob not being admissible."

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This resolution was passed on the 29th of May. On the 3d of June Mr. Brooke, one of the majority who had thrown out the claims of Mr. Benfield, entered a minute, in which he stated, that supposing Mr. Benfield to have *demand*ed the assistance of the Council, he had voted against him; if he had then, as now, understood that he only *request*ed their assistance, he would have voted for him: he, therefore, moved, that the Board should reconsider their vote on the claims of Mr Benfield, and gave his opinion, that the crop on the ground, at the time of the restoration of the Rajah, was by the Company meant to belong to the Nabob. The vote for reconsideration was supported by the majority. On the 13th of June, the subject being resumed, a motion was made by Lord Pigot that the vote of the 29th of May should be confirmed; it was negatived by a majority of seven to five. On the following day Lord Pigot was proceeding to move that "all the claims of Mr. Benfield were *private* and not *public* concerns," when a member of the Council claimed a right to priority. The claim of the member was founded upon the notice which he had given the preceding day of his intention to put certain motions.

BOOK V The claim of Lord Pigot was founded upon the cus-
 CHAP 4 tom of the Presidency, corroborated by convenience

1776. that the President should possess the initiation of business. The claims were put to the vote, when the question was decided in favour of the member and he moved that the crop sown during the time of the Nabob's possession be declared the Nabob's property, his assignments on it, therefore good and that the Rajah should be instructed to respect and to restore, if they had been disturbed, the pledges in corn which were held by Mr Benfield. When all this was voted the question of the President, whether the claims of Mr Benfield were private or public was finally considered. The majority thought them "so far as they regard Mr Benfield private claims so far as they regard the Nabob's assignments to Mr Benfield, public."

The following point was agitated next. On the 28th of June, the President opened a proposal for establishing a factory at Tanjore. A motion to this effect was rejected by the majority on the 8th of July. As he could not obtain a factory the President supposed that a resident would be useful. He moved that Mr Russel a member of the Council and a closely connected friend of his own should be appointed resident at Tanjore and this was carried without much opposition.

Velore was the principal military station in the Carnatic as a frontier fortress, in the line of invasion both to Hyder and the Mahrattas. It was therefore provided with the greatest number of troops and regularly as the post of honour assigned to the officer second in command. Colonel Stuart the officer second in command thought proper to consider Tanjore where a small number only of troops were required as at this time the military station of principal importance

in the province; he therefore claimed it as his right, and that claim the majority sustained.

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Though liberty had been restored to the Rajah, and his rights proclaimed, much was yet to be done to put the administration of the country fully in his hands. The struggle between the President and the majority in the Council now was, whether Colonel Stuart, who would manage the business agreeably to the views of the majority, or Mr. Russel, who would manage it agreeably to the views of the President, should have the opportunity of placing the administration in the hands of the Rajah.

Mr Russel was one of the gentlemen named by the Court of Directors to form one of the Committee of Circuit to explore the Circars; and this Committee was directed to proceed upon its mission, as soon as the final settlement of affairs in Tanjore should be effected. The majority laid hold of this circumstance; and voted, as well for the immediate departure of the Committee to the northern Circars, as that of Colonel Stuart to his command in Tanjore. The President insisted, that neither was there any necessity for precipitating the departure of the Committee, nor was the business of Tanjore settled; that the Rajah, who believed that the interests which had dethroned him were now triumphant, and those which restored him overthrown, was in a state of apprehension bordering upon despair. He proposed that, for the termination of this unfortunate struggle, two members of the Board, who were stationed at the out settlements, and were not involved in the disputes, should be summoned to attend. This proposition was rejected. The President offered to be satisfied, if Mr. Russel was allowed to go to Tanjore for only a few days, to preserve the appearances of consistency in

BOOK V the proceedings of the Council, and to quiet the
 CHAP 4. alarms of the Rajah This too was rejected

1776 Hitherto the proceedings of both parties, whatever name they may deserve in point of wisdom or virtue were regular in point of form Only one alternative now remained for Lord Pigot—the majority was either to be obeyed, or their authority was to be resisted Lord Pigot resolved to resist, and the method which he pursued was as follows

He assumed that the President was an integrant part of the Council that it was not competent to perform any acts of government without him and that he had a right to withhold his concurrence from any propositions which the majority might urge Thus was pretty nearly the same doctrine which had suggested itself to Mr Hastings in Bengal but the practical application was somewhat different

On the 19th of August, it was moved that a copy of instructions for Colonel Stuart, prepared by the commanding officer should be taken into consideration. The President declared that he would not put the question The obstruction presented a question of importance and the majority resolved to adjourn The following day the Council assembled, and the same motion was made The President declared that he would not allow the question to be agitated at the Board. The majority nevertheless approved of the instructions and prepared the draught of a letter to the officer at Tanjore directing him to deliver over the command of the garrison to Colonel Stuart The President declared that he would sign neither affirmed that without his signature they could have no authority, and warned his opponents to desist The minds of the majority were yet entirely unarranged and they adjourned the Council for two days On the

22d of August, the day on which they first assembled, the majority produced a minute, in which they deny that the concurrence of the President is necessary to constitute an act of government; affirm that the vote of the majority constitutes an act of government; and that it tends to subvert the constitution, for the President to refuse either to put a question, or to carry into execution the decisions of the majority. The President proposed, that questions of so much importance should be left to the decision of their honourable masters; and that here, till their pleasure should be known, both parties should allow the matter to rest.

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This, too, was not agreeable to the wishes of the majority. They came to a resolution, that, as the President would not sign the instructions to Colonel Stuart and the letter to the officer at Tanjore, a letter should be written to the Secretary, directing him to sign them in the name of the Council, and transmit them as authoritative instruments of government to the parties addressed.

The letter was written, and approved by all the gentlemen of the majority. They began to sign it in order, and two of them had already written their names, when Lord Pigot took, or snatched it out of the hand of the man who held it. He then took a paper out of his pocket, and said he had a charge to present against two members of the Board, and named the two who had just signed the letter which he had snatched. The accusation was, that by signing orders to the Secretary to give instructions to Colonel Stuart, they had been guilty of an act, subversive of the authority of government, and tending to introduce anarchy. By the standing orders of the Company, any member of the Council, against whom a charge was preferred, was not allowed to deliberate or vote

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on any of the questions relating to the charge. When the two accused members were excluded, the President had a majority by his own casting vote. It was therefore voted to suspend the members in question and then the President had a permanent majority. After the vote of suspension the Council adjourned to the following day which was the 23d. The gentlemen of the former majority forbore to attend but they sent by a public notary a protest in which, beside denouncing the principal act of the following day, they as the majority of the Board declare themselves the governing body, and claim the obedience of the settlement. This protest was sent by the same agency to the commanders of his Majesty's troops and to all persons holding any authority at Madras. In consequence of what he deemed so great an outrage Lord Pigot summoned the Council again to meet at four o'clock when they passed a vote, suspending the whole of the members who had signed the protest, and ordered Sir Robert Metcher the commanding officer to be put under arrest and tried by a court martial.

The opponents were not behind in violence. They speedily assembled declared themselves a Council vested with all the powers of government and resolved to arrest the person of Lord Pigot and confer the command of the army. Sir Robert Metcher being ill on Colonel Stuart¹. The task of performing the

¹ In examining afterwards the conduct of the parties a question was raised about the time of this resolution to arrest Lord Pigot. It appeared to have been taken before the vote of Lord Pigot's suspension, the whole of the matter was decided by the arrest of Sir Robert Metcher. But the affidavits of the parties who were present, the day of the imprisonment of Lord Pigot and which affidavits were not a rule of evidence that they were his truly written and signed, but that they were the same as the affidavits of the 13th and 14th of the month at which the resolution was taken.

arrest of Lord Pigot was devolved on the Colonel, who, by acquiescence, had accepted from him the command of the army. The greater part of the next day, the 24th, the Colonel passed in company, or in business, with his Lordship, breakfasted with him as well as dined; and having accepted an invitation to sup at his house, and made his arrangements to arrest him by the way, was in the carriage of Lord Pigot along with him, when it was surrounded and stopped by the troops.

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As the point, for which all this confusion was created was the extremely minute one, whether Mr. Russel should or should not go for a few days to Tanjore, it is not easy to believe, that something of importance did not remain at the bottom, which it was not the interest of the parties to disclose. One thing is certain, that the parties, and they had the best means of information, cast the most odious imputations upon one another, and charged the most corrupt and dishonourable motives. They were accused of desiring to have an opportunity of enriching themselves, the one party by sharing in the revenues of the Rajah, the other by sharing in those of the Nabob.¹ The party who espoused the views of the Nabob seem to have been afraid, after the extremities on which they had ventured, to carry their own resolutions into effect. They had voted that the crop which was on the ground at the time of the restoration belonged to the Nabob, and ought to follow the assignments he had made, yet the Rajah was not disturbed in the possession of it; and the

¹ Admiral Pigot declared, in the House of Commons, that his brother had been offered ten lacs of pagodas, and afterwards fifteen, a bribe, amounting to about 600,000*l* of English money, only to defer, and that for a short and specified time, the reinstatement of the Rajah. See Parliamentary History, for the 16th of April, 1779, and Dodsley's Annual Register, 1777

BOOK V debts, real or fictitious, to Benfield, at the end of
 CHAP 4 their administration remained undischarged ¹

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They proceeded to the further violence of suspending all those members of the Council who had voted with the President but it does not appear that any harshness attended his confinement or that he was not indulged with every freedom, consistent with the means necessary to prevent his resuming his place in the government.

When intelligence was brought to England of the violent act of the Council of Madras, it excited among the members of the Company, and still more in the nation at large, both surprise and indignation. In the Court of Directors, the party who defended, or at any rate attempted to apologize for the authors of the late revolution, were nearly equal to the party by whom they were condemned. But in a Court of Proprietors, held on the 26th of March 1777 a resolution was passed by a majority of 382 to 140 in which it was recommended to the Court of Directors to take the most effectual measures for restoring Lord Pigot to the full exercise of his authority, and for inquiring into the conduct of the principal actors in his imprisonment. In consequence of this proceeding it was, on the 11th of April carried by a casting vote in the Court of Directors that Lord Pigot and his friends should be restored to the situations from which they had been improperly removed that seven members of the Council including the Commander in Chief who were declared to have subverted the government by a military force should be suspended from the service and not restored without the immediate act of the Directors. But a vote of censure was at the same time passed on Lord Pigot, whose

¹ See *Chap. 4* of *Vol. 1*, *History of the East India Company*, 1722

conduct in several instances was pronounced worthy of blame. The means were not yet exhausted of defeating this turn of affairs. Not only were impediments accumulated, and placed in the way; but a fresh set of resolutions were brought forward, importing the recall of both parties, as the only mode of accomplishing that fundamental investigation which the importance of the occasion required. These propositions, in favour of which the ministers were supposed to have exerted all their influence, were voted by a majority of 414 to 317, in a General Court on the 9th of May. The attention of Parliament was also attracted. Governor Johnstone, who was distinguished for the part which he had taken in discussions relative to Indian affairs, moved, on the 22d of the same month, a series of resolutions, highly approving the conduct of Pigot, and the measures which had been pursued for his restoration, while they condemned the proceedings of his enemies, and the motion for his recall. Almost all the questions of English policy relating to the affairs of Carnatic underwent discussion in a long and animated debate, which was closed by a vote of no more, notwithstanding ministerial influence, than ninety to sixty-seven, against the resolutions.

After these proceedings, a commission was prepared under the Company's seal, bearing date the 10th of June, 1777, by which Lord Pigot was restored to his office, but he was at the same time directed, within one week after the dispatch of the first ship, which, subsequent to the date of his restoration, should proceed from Madras, to deliver over the government to his successor. and either by that ship, or the first that should follow, to take his passage to England. The members of the Council who had concurred in displacing Lord Pigot were re-

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called, and the military officers, who had been chiefly instrumental in executing the arrest and confinement were ordered to be tried by courts martial on the spot. Till inquiry should be made into the conduct of both parties in the recent scenes, when it would be seen which of the actors might deserve and which might not deserve to be removed from the service the Directors thought proper to form a temporary government in which Sir Thomas Rumbold after the departure of Lord Pigot, was to succeed to the chair; John Whitehill to be second in council and Major General Hector Munro, Commander of the Forces, to be third, without the power of any further advancement.

Before these regulations were received in India, Lord Pigot had passed beyond the reach of honour or disgrace. His constitution worn out by age and the operation of a hostile climate, sunk under the inactivity of his situation, and the painful feelings which preyed upon his mind, after a confinement of somewhat more than eight months. Mr Whitehill reached Madras on the 31st of August 1777 and being the senior in council acted as President and Governor till the 8th of February following when Sir Thomas Rumbold arrived.¹

¹ Second Report of the Committee of Secrecy 1781; and Parliamentary History 1777-1780. State of Facts relative to Tanjore printed for C. D. 1777; Tanjore Papers printed for C. D. 1777; Lord Pigot's state papers and notes of Mr Dalrymple &c.; Deane of Lord Pigot drawn up by Mr Lind. Case of the President and Council fully stated &c. March 1777; Power Legation sent George Stratton a full copy of the State Trials &c.; H. and M. account of the Tanjore Company; General Dalrymple's report of 1777 and the resolutions of the Council. The two last both by the agents of the N. Co. were published in Calcutta 1777. Genuine Memoirs of A. Co. by same officers and published by an anonymous correspondent of the Calcutta press were open in a series of the N. Co. of Agents. B. L. p. D. Co. a large folio p. 175-18.

Once more the subject was taken up by the House of Commons. On the 16th of April, 1779, Admiral Pigot, the brother of the deceased Governor, began the discussion with a history of the transactions which had led to the deposition of Lord Pigot, and with the heaviest charges against the actors in that scene. After which he moved a series of resolutions, affirming the principal facts, affirming also that orders had been given to hold courts-martial for the trial of the principal military officers engaged in the crime, and directing an address to his Majesty for the prosecution, by the Attorney-General, of four of the members of the Council, who had returned to England. The resolutions gave rise to considerable debate, but were finally adopted. Proceedings in the courts of law were immediately commenced; and on the 20th of December, the four members were tried for a misdemeanor, before a special jury; and found guilty. When brought up for judgment, a fine of 1000*l* was imposed upon each. To men of their fortunes, this was a punishment hardly to be felt: Such is the difference, in the minds of English judges, between the crime of deposing the head of a government abroad, and that of writing a censure upon one of the instruments of government at home.¹

When the northern circars were first delivered into the hands of the Company, it was judged expedient to govern the country for a time in the manner which was already established. The Circars of Rajamundry, Ellore, and Condapilly, were consigned, under a lease of three years, to a native, named Hussun Ali Khan, who had previously governed them, under the Nizam, with the state and authority of a viceroy. The remaining Circar of Cicacole was

¹ Parliamentary History, vol. xx., Howell's State Trials, vol. xxi.

BOOK V placed under a similar administration, but in the
 CHAP 4 hands of a separate deputy

1777 A change was introduced in 1769 Administration by the agency of natives was discontinued And the Circars were placed under the charge of Provincial Chiefs and Councils, a title and form which at that period the commercial factories were made to assume Under the Chief and Council, formerly the Factory of Masulipatam were placed the districts of Condapilly, Rajamundry, and Ellore The Chief and Council of Vizagapatam received in charge the southern parts of Cicacole and at Canjam where the factory had been discontinued, a new establishment was made of a chief and council for those affairs of the country which could be most conveniently ruled from that as a centre To these provincial boards the financial judicial and, in short the whole civil and political administration of the country was consigned

The disappointment in their expectations of pecuniary supply from the northern circars as from their other dominions and the sense which they entertained of the defects of the existing administration had recommended to the Court of Directors the formation of the Committee of Circuit This Committee were directed by personal inspection and inquiry upon the spot to ascertain with all possible exactness the produce the population and manufactures of the country the extent and sources of the revenue the mode and expense of its collection the state of the administration of justice how far the financial and judicial regulations which had been introduced in Bengal were applicable in the Circars what was the condition of the forts and the circumstances of the Zamindars or Rajah what the military force of each the expenses both of his army

and household ; and the means which he possessed of defraying them. The Directors declared it to be their intention to let the lands, after the expiration of the present leases, for a term of years, as in Bengal ; not, however, to deprive the hereditary Zemindars of their income ; but leave them an option, either to take the lands which had belonged to them, under an equitable valuation, or to retire upon a pension. They avowed, at the same time, the design of taking the military power into their own hands, and of preventing the Zemindars from maintaining those bodies of troops, with which they were perpetually enabled to endanger the peace and security of the state.

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Within a few days after the deposition of Lord Pigot, the new Governor and Council drew up the instructions of the Committee ; and sent them to the discharge of their duties. They had made some progress in their inquiries ; when Sir Thomas Rumbold took the reins of government at Madras, in February, 1778¹

In Council, on the 24th of March, the Governor represented, that on account of the diminution in the number of members, it was now inconvenient, if not impossible, to spare a sufficient number from the Council to form the Committee ; that the Committee was attended with very great expense ; that all the ends which were proposed to be served by it might be still more effectually accomplished if the Zemindars were sent for, the desired information obtained from the Zemindars, and the jumma bundy, or schedule of rent, settled with them at the seat of government, that by this expedient the Zemindars would be made to feel more distinctly their dependance

¹ Fifth Report of the Committee of the House of Commons, 1810, Second Report, Committee of Secrecy, 1781 App No 153

BOOK V described as engaged in machinations for his ruin
 CHAP 4. Sitteram had obeyed the very first summons to repair
 1778 to Madras, and had negotiated successfully for the
 farm of one principal division of the lands. He
 carried another point of still greater importance
 which was to receive from the Presidency the ap-
 pointment of Duan to the Rajah To this regulation
 the Rajah manifested the greatest aversion The
 President addressed him in the following words
 " We are convinced that it is a measure which your
 own welfare and the interest of the Company render
 indispensably necessary But should you continue
 obstinately to withstand the pressing instances that
 have repeatedly been made to you by the Board, con-
 junctively as well as separately we shall be under
 the necessity of taking such resolutions as will in all
 probability be extremely painful to you but which
 being once passed, can never be recalled " To this
 Vizieram Râz made the following answer " I shall
 consider myself henceforward as divested of all power
 and consequence whatever seeing that the Board
 urge me to do that which is contrary to my fixed
 determination and that the result of it is to be the
 losing of my country " The reason which was urged
 by the President for this arbitrary proceeding was
 the necessity of having a man of abilities to preserve
 the order of the country and ensure the revenues
 The Court of Directors however say, in their ge-
 neral letter to the Presidency of Madras dated the
 10th of January, 1781, " Our surprise and concern
 were great, on observing the very injurious treatment
 which the ancient Rajah of Vizianagaram received
 at the Presidency when deaf to his representations
 and entreaties you in the most arbitrary and un-
 warrantable manner appointed his ambitious and
 intriguing brother Sitteram Râz Duan of the

Circar, and thereby put him in possession of the re-
 venues of his elder brother, who had just informed
 you, that he sought his ruin. For, however necessary
 it might be to adopt measures for securing payment
 of the Company's tribute, no circumstance, except
 actual and avowed resistance of the Company's au-
 thority, could warrant such treatment of the Rajah."¹
 And in one of the resolutions which was moved in the
 House of Commons by Mr. Dundas, afterwards
 Lord Melville, on the 25th of April, 1782, it was
 declared, "That the Governor and majority of the
 Council of Fort St. George did, by menaces and
 harsh treatment, compel Vizeram Râz, the Rajah of
 Visianagrum, to employ Sitteram Râz as the Duan,
 or Manager of his Zemindary, in the room of Jag-
 gernaut, a man of probity and good character; that
 the compulsive menaces made use of towards the
 Rajah, and the gross ill treatment which he received
 at the Presidency, were humiliating, unjust, and cruel
 in themselves, and highly derogatory to the interests
 of the East India Company, and to the honour
 of the British nation."

Nor was this the only particular in which the
 Presidency and Council contributed to promote the
 interest and gratify the ambition of Sitteram Râz.
 They not only prevailed upon the Rajah to be recon-
 ciled to his brother, they confirmed his adoption of
 that brother's son; and "agreed," say the Secret
 Committee of the House of Commons, "that all
 under-leases should for the future be made in the
 adopted Rajah's name; that his name should be used
 in all acts of government, and that Sitteram Râz
 his father, who was in reality to enjoy the power,

¹ Second Report, Committee of Secrecy, 1781, Appendix, No
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BOOK V should be accepted of by the Board as a security for
 CHAP 4 this young man "1

1778 In the opinion of the Directors, even this was not
 - all They accused the Presidency of underselling
 the lands by a corrupt connivance with Sitteram Râz
 "The report they said " of the Committee of Cir-
 cuit, and the positive evidence of Sitteram Râz, war-
 rant us in asserting that more than double the amount
 of the tribute for which you have agreed, might and
 ought to have been obtained for the Company We
 are in possession," they add " of one fact, which so
 far as it extends, seems to convey an idea, that the
Zemindars have been abused, and their money mis-
*applied at the Presidency "*2

The Directors alluded to the following fact that
 Mr Redhead private secretary to Sir Thomas Rumbold
 the Governor, had actually received from Sitteram Râz a
 bond for one lac of rupees on condition of his services
 in procuring for the donor, the duanhip of the Zemindary,
 a reconciliation with his brother a confirmation of his son's
 adoption the Zemindary of Ancipilly and the fort of
 Vizungaram advantages the whole of which Sitteram Râz
 obtained and corruption of which though made known
 to the President and Council by the proceedings of a court
 of justice they afforded to the Court of Directors no
 information 3

Another fact was that to the same Mr Redhead,
 as appeared by a codicil to his will Amier ul Omrah
 son of the Nabsob had an order from his father to
 pay a lac of rupees

1 Secret of the Company 1764 p. 1121 p. 12

2 Secret of the Company 1764 p. 1121 p. 12

3 Secret of the Company 1764 p. 1121 p. 12 14
 4 Secret of the Company 1764 p. 1121 p. 12 14
 5 Secret of the Company 1764 p. 1121 p. 12 14

Another fact was ; that two lacs and one thousand rupees had been transmitted to Sitteram Râz, while at Madras ; of which money, though he was greatly in arrear, no part was paid to the Company.

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It further appeared, that, according to one of the checks devised by the Company upon the corruption of their servants, if Sir Thomas Rumbold possessed in India any money on loan, or merchandize on hand, at the time of entering upon his office, he was by his covenant bound, before he proceeded to recover the money, or dispose of the goods, to deliver to the Board a particular account of such property upon oath : that upon an accurate examination of the records of the Council during the whole of Sir Thomas Rumbold's administration, no proceedings to that effect could be found : that Sir Thomas Rumbold, nevertheless, had remitted to Europe, between the 8th of February, the day of his arrival at Madras, and the beginning of August in the same year, the sum of 45,000*l.*, and, during the two subsequent years, a further sum of 119,000*l.*, the whole amounting to 164,000*l.*, although the annual amount of his salary and emoluments did not exceed 20,000*l.*

Sir Thomas opposed the evidence of corruption which these transactions imported, by asserting, that he had property in India at the time of his return, sufficient to account for the remittances which he afterwards made. The evidence which he produced consisted in certain papers and books of account, which exhibited upon the face of them sums to a great amount. And one of the witnesses, examined before the Secret Committee of the House of Commons, stated his having heard in conversation from Sir Thomas Rumbold, that he had in Bengal, at the time of his last arrival in India, about 90,000*l.*, part in Company's cash, part in bonds, and mortgages at

BOOK V interest on some of which three or four years interest
 CHAP 4. was due.¹

1778 The lands or taxes in the circars were let, some for ten years, some for five The jaghire about Madras was re-let to the Nabob, not for one but for three years. And in no case was any satisfactory inquiry performed.

The Directors, complaining that their orders, and the interests of the Company had been equally disregarded, and that, while the dignity and feelings of the Zemindars were violated the rights of the immediate cultivators were left without protection pronounced upon the whole of these proceedings their strongest condemnation

In the agreements formed with the Subahdar or Nizam, respecting the five northern circars, in 1766 and 1768 it was arranged that Cuntoor which was one of them, should be granted in jaghire to Bazalut Jung his brother, to be enjoyed by that Prince during his life or so long as the Subahdar should be satisfied with his conduct and upon expiration of the interest of Bazalut Jung to revert to the Company About the latter end of the year 1771, the Governor and Council were informed by letters from the chief of Masulipatam that a body of French troops under the command of M Lally were retained in the service of Bazalut Jung and received reinforcements and stores by the port of Mootapilly The mention of a French force in the service of a native prince was sure to kindle the jealousy of the English The Presidency of Madras held the office of sufficient importance to communicate with the Supreme Council of Bengal on the propriety of using measures to procure the removal of the French from the territories

of Bāzalut Jung and received the authority of that Board, not only to insist with Bazalut Jung upon their immediate dismissal, but to prepare a body of troops for marching to his frontiers, and to threaten him, that “they would take possession of his country, and negotiate with the Nizam, even by an entire renunciation of the revenues, for the cession of it to the Company” It was deemed advisable to treat with the Nizam, as principal in the treaty of 1768, and a party to every agreement between the Company and Bazalut Jung, and they desired his co-operation for compelling his brother, either, 1st, to dismiss the Europeans from his service, and trust to the English the defence of Guntoor, which was their own; or, 2dly, to let that Circar to them at a rent determined by amicable valuation. The Nizam replied in friendly terms, declaring that he had sent a person of distinction to procure the removal of the French from the service of his brother, and that “every article of the treaty should remain fixed to a hair’s breadth.” From the date of these transactions, which extended to the beginning of the year 1776, though several representations had been received of the continuance of the French in the territory of Bazalut Jung, no ulterior measures were adopted by the Board until the 10th of July, 1778, when the President and Select Committee entered a minute, expressing a conviction of danger from the presence, in such a situation, of such a body of men. A negotiation, through the medium of the Nabob without the intervention of the Nizam, was commenced with Bazalut Jung. That prince was now alarmed with the prospect presented by the probable designs of Hyder Ali, and well disposed to quiet his apprehensions by the benefit of English protection. On the 30th of November, the President presented to the Board a proposal, tendered

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BOOK V by Bazalut Jung in which that Prince agreed to cede
 CHAP 4 the Guntoor district for a certain annual payment, to
 1778 dismiss the French from his service, and to accept the
 engagement of the English to afford him troops for
 the defence of his country On the 27th of January
 1779, when the treaty was concluded with Bazalut
 Jung, it was thought expedient to send to the court
 of the Nizam a resident who should ascertain as far
 as possible the views of that Prince, and his con-
 nexions with the Indian powers or the French ob-
 viate any unfavourable impressions which he might
 have received and transact any business to which
 the relations of the two states might give birth And
 on the 19th of April a force under General Harpur,
 was ordered to proceed to the protection of the terri-
 tory of Bazalut Jung

In the contest with the Malirattas, in which at
 the Presidencies of Bengal and Bombay, the English
 were engaged, the Nizam had expressed a desire to
 remain neutral though he had frankly declared his
 hatred of Ragoba, and his connexion by treaty with
 Pundit Purdaun, the infant Peshwa, that is with
 the prevailing party of the Poona council and though
 an alliance with the Berar government had been at-
 tempted by the Supreme Council on the condition of
 recovering for that government some countries which
 had been wrested from it by the Subahdar of Decan
 When Mr Holland who was sent as resident by the
 Presidency of Madras arrived at Hyderabad the
 capital of the Nizam on the 6th of April he was
 received with every mark of respect and with the
 strongest assurances of a desire to cultivate the friend-
 ship of the English But when at his audience the
 resident proceeded to explain the transactions which
 without the participation of the Nizam had taken
 place between the Company and his brother the

painful emotions of his Highness were visible; he read over the articles of the treaty of 1768, affirmed that it was violated by the conduct of the Presidency; disavowed the right of the English to interfere in the concerns of his family; declared that, if the treaty was to be regarded, the troops which without his leave were about to march into the country possessed by Bazalut Jung, a dependant of the Subah, ought to be stopped, if the treaty was not to be regarded, he should be constrained to oppose them. To the apology, urged by Mr Holland, that the probability of an immediate attack by Hyder Ali left not sufficient time for consulting him, the Nizam replied that Hyder had no immediate intention to molest his brother, but was meditating a speedy attack upon Carnatic, to be conducted, like the former invasion of that province, by plundering and burning, while he avoided a battle. The Nizam was jealous of the presence of a British force with Bazalut Jung, who, with such assistance, he doubted not, would soon aspire at independence. The French troops he had taken into his own service immediately after they were dismissed by his brother, but he assured the British resident that he had adopted this expedient solely to prevent them from passing into the service of Hyder or the Mahrattas; and described them as of little value, the wreck of the army of Bussy, augmented by persons of all nations. This was a contingency, which, in their eagerness to see the French discharged by Bazalut Jung, the Presidency had somewhat overlooked. It was no doubt true, as they alleged, that had the Nizam consulted the friendship of the English, he would have ordered the French troops to the coast, whence with other prisoners they might have been sent on their passage to Europe.

In the Select Committee, on the 5th of June, it

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was proposed by the Governor, and agreed, that the *peshcush* or tribute of five lacs of rupees, which the Company were bound by their treaty to pay, in compromise, for possession of the Northern Circars, the Nizam should be solicited to remit. The payment of it had already been suspended for two years, partly on the pretence that the French troops were not dismissed, partly on account of the exhausted state of their finances. When this proposal was announced by Mr Holland to the Nizam, he became highly agitated, and declared his conviction that the English no longer meant to observe the treaty, for which reason he also must prepare for war.

Mr Holland who had received instructions to communicate with the Supreme Council, conveyed intelligence of these transactions to Bengal by sending, on the 3d of September, copies of the letters which had passed between him and the Presidency of Madras. On the 25th of October the subject was taken into consideration at Calcutta when the proceedings of the Madras Presidency, in forming a treaty with Bazalut Jung, without the interposition of his immediate sovereign, the Company's ally, and in withholding the payment and proposing the abolition of the *peshcush*, underwent the most severe condemnation, as tending to impeach the character of the English for justice and faith and to make them up a formidable enemy when they were already exposed to unusual difficulties and dangers. It was agreed that the case demanded the interference of the Superior Board and a letter was written on the 1st of November, 1779 to assure the Nizam that the intentions of the English government were truly pacific notwithstanding the interpretation which he put upon the proceedings of the Council at Madras. Mr Holland was directed to suspend his negotiations

till he should receive further instructions from his own Presidency. Letters were also written to that Presidency, acquainting them, in terms studiously inoffensive and mild, with the aberrations which it appeared to the Supreme Council that they had made from the line of propriety and prudence. The Nizam declared the highest satisfaction with the friendly assurances which the Supreme Council had expressed. But their interference excited the highest indignation and resentment in the Council of Madras. On the 30th of December a minute was entered by Sir Thomas Rumbold, the President, in which he treats the censure which had been passed on their conduct as undeserved, and its language unbecoming, denies the right of the Supreme Council thus to interfere in the transactions of another Presidency, and argues that their controlling power extended to the conclusion alone of a treaty, not to the intermediate negotiation; he turns the attack upon the Bengal Presidency, enters into a severe investigation of the policy and conduct of the Mahratta war, which in every particular he condemns: thus it was which had alienated the mind of the Subahdar, not the regulation with his brother, or the proposed remission of the peshcush; the retention of a peshcush offended not the conscience of the Bengal Presidency, when themselves were the gainers, the unfortunate Emperor of India the sufferer, and when it was a peshcush stipulated and secured by treaty for the most important grants. In terms of nearly the same import the letter was couched in which the Presidency of Madras returned an answer to that of Bengal, and along with which they transmitted the minute of their President

The Presidency of Madras had not only taken Guntoor on lease from Bazalut Jung, they had also

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transferred it, on a lease of ten years to the Nabob of Arcot, though well aware how little the Directors were pleased with his mode of exaction, either in their jaghire, or in his own dominions

The measure of their offences, in the eyes of the Directors, was now sufficiently full. In their letter of the 10th of January, 1781, after passing the severest censure upon the abolition of the Committee of Circuit, and the proceedings with the Zamindars of the four Northern Circars, on the treaty with Bazalut Jung, the transactions with the Nizam, and the lease of Guntoor to the Nabob they dismiss from their service Sir Thomas Rumbold President, John Hill and Peter Perring Esquires Members of their Council of Fort St George deprive of their seat in council Mr Smith and Mr Johnson and express their strongest displeasure against the commander of their forces Sir Hector Munro ¹

¹ These transactions are minutely detailed in the Second and Third Reports of the Committee of Secrecy 1781 in the Appendices to which the official documents are to be found

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War with the French—Pondicherry taken—War with Hyder Ali—Presidency unprepared—Colonel Baillie's Detachment cut off—Supreme Council suspend the Governor of Fort St. George, and send Sir Eyre Coote to Madras—Hyder takes Arcot, and overruns the greater part of the country—Lord Macartney, Governor of Fort St. George—Negapatnam and Trincomalee taken from the Dutch—Treaty between the Nabob of Arcot and Supreme Council—Assignment of the Nabob's Revenues—Tellicherry invested—Great Armaments sent from both England and France—Disaster of Colonel Brathwaite's Detachment in Tanjore—Madras reduced to a State of Famine—Death of Hyder Ali—Tippoo withdraws the Mysorean Army from Carnatic—Operations and Fate of General Matthews on the Coast of Malabar—Siege of Mangalore—The General at Madras, refusing to obey the civil Authority, is arrested and sent to Europe—French and English suspend Hostilities in consequence of Intelligence of the Peace in Europe—Operations of Colonel Fullarton in Coimbatore—Peace with Tippoo—Behaviour of Supreme Council to Presidency of Madras.

WAR with the French, instead of being, as formerly, the most alarming to the English of all sources of danger in India, now held a very inferior station among the great objects which occupied their atten-

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tion In the beginning of July, 1778, intelligence was received in Bengal, which though somewhat premature was acted upon as certain that war had commenced between England and France Without waiting for a formal notification of this event, which might be only waiting till the French had made themselves strong, it was resolved by a stroke, decisive in their present defenceless situation to take possession of the whole of the French settlements in India With regard to minor places the attempt was easy, and Chandernagore, with the factories at Masulipatam and Carical, surrendered without resistance Pondicherry was the object of importance, and it was resolved to lose no time in taking measures for its reduction Instructions were sent to Madras and reached it with unusual expedition Major General Sir Hector Munro who commanded the Madras army, took post on an elevated ground, called the Red Hills distant about a league from Pondicherry, on the 8th of August, and on the 9th summoned the place to surrender But his preparations were still so backward, that it was the 21st of August before he took possession of the bound hedge within cannon shot of the town and ground was not broken till the 6th of September It was broken in two places with a view to carry on attacks upon both sides of the town at once

The British squadron consisting of one ship of sixty guns one of twenty eight, one of twenty a sloop of war and an East Indiaman sailed from Madras toward the end of July under the command of Sir Edward Vernon with a view to block up Pondicherry by sea This squadron reached the scene of action about the time when Sir Hector Munro encamped on the Red Hills and summoned the fort The French squadron under M. Tronjelly con-

ing of one ship of sixty-four guns, one of thirty-six, one of thirty-two, and two East Indiamen armed for war, sailed immediately, and prepared for action

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The two squadrons met and engaged on the 10th of August. The battle raged with great fury for the space of seventy-four minutes, when the three minor ships of the French squadron quitted the action, and in fifteen minutes after were followed by the rest. The English ships, which, as usually happened in engagements with the French, had suffered chiefly in their rigging, were unable to pursue the French, which had suffered chiefly in their hulls. The French squadron reached Pondicherry the same night, sailing badly, and opposed by the winds and the current, it was the 20th before the English recovered their station. Early on the morning of the 21st the French squadron was perceived under easy sail standing out of Pondicherry road. During the day the alternate failure and opposition of the winds prevented the squadrons from closing; and towards night the English commander stood in for Pondicherry road, and cast anchor, expecting that the enemy, to whom it was an object of so much importance to keep open the communication of Pondicherry by sea, would proceed in the same direction, and commence the action on the following morning. M. Tronjolly availed himself of the night. His squadron was out of sight before the morning, and was no more heard of upon the coast.

The garrison of Pondicherry was commanded by M. Bellecombe, a man whom this abandonment was not sufficient to dismay. Notwithstanding the total destruction which the works of Pondicherry had sustained in the former war, its fortifications had been restored with great diligence, and it was defended by a garrison who availed themselves of all its advan-

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ger to which this event might expose the expedition, now on its way to Mahé underwent deliberation in the Council but the confession of weakness, which would be implied in the recall of the troops, and the supposed importance of accomplishing the object in view, decided the question in favour of perseverance. Intelligence of the resolution of Hyder to resent the attack produced a hesitation and the importance was discussed of gaining the friendship of that powerful chief by renouncing the enterprise but after a short suspension, the design was resumed, and Colonel Brathwaite was instructed to anticipate resistance by velocity of completion. The expedition encountered far less difficulty than there was reason to expect no opposition was made to the march the fleet and the troops arrived safely at the place of rendezvous, and Mahé, which was strongly situated but totally destitute of supplies, surrendered on the 19th of March before a cannon was fired. It was occupied by the English till the 29th of November, when Colonel Brathwaite's detachment being ordered to Surat to reinforce General Goddard, the fort was blown up.¹

Before Colonel Brathwaite was enabled to comply with his orders and embark for Surat he received a requisition from the chief and factors at Tellicherry for the assistance of the whole detachment. That settlement had drawn upon itself the resentment of Hyder by protecting a Nair chief who had incurred his displeasure. By the influence of Hyder a number of the surrounding chiefs were incited to attack the settlement which was closely pressed at the time of the evacuation of Mahé. Not conceiving that he could be justified in leaving Tellicherry in its

¹ Fort and Secret Rep. of the Committee of Secret. of the Arsenal Rep. for 1779 and 1781

perilous situation, Colonel Brathwaite moved with his detachment to its support. In consequence of the detention of those troops, the Council at Madras resolved to send another detachment to the assistance of Goddard, which were embarked in the months of January and February, 1780 <sup>BOOK V.
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In 1774, the divisions among the Mahratta chiefs afforded to Hyder an opportunity, which he dexterously and vigorously improved, of turning the tide in his affairs. He recovered speedily the territory which he had lost. He diligently employed the interval of repose which succeeded, in restoring order to his country, improving his revenues, augmenting the number and improving the discipline of his troops. His power soon appeared to be rapidly on the increase; and afforded alarm to the English, who, by their evasion of the treaty of 1769, were conscious of the hatred they had inspired, and were now jealous of a connexion between him and the French. He continued to extend his dominions, and increase his power, with little interruption, till the latter end of the year 1777, when the Mahrattas and Nizam Ali combined to chastise him. The Mahrattas, under Hurry Pundit and Purseram, penetrated into the Balagaut country, with an army of 50,000 men; but upon the approach of Hyder, who hastened to oppose them, they retreated into the district of Adoni, where they came to an engagement on the 5th of January, 1778, and sustained a defeat.

Though Hyder was deeply exasperated against the Presidency of Madras for their continued evasion of treaty, and refusal of assistance, he was induced by the state of affairs to make a fresh proposal in 1778. Harassed, by the hostilities of the Poonah govern-

¹ First Report, ut supra, p. 56.

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ment, he had been well pleased to support a pretender in the person of Ragoba the English were now involved not only in disputes with the Poonah ministers, but actual operations for the reinstatement of that ejected chief and in the beginning of July, 1778, Hyder, through his resident at Mudras, made a new overture towards an alliance with the English, offering his assistance to establish Ragonaut Row in the office of Peshwa and requiring only a supply of arms and military stores for which he would pay, and a body of troops whose expenses he would defray. The opinion of the Presidency appears to have been that such an arrangement might be useful, more particularly to prevent the formation of a connexion between Hyder and the French they even acknowledged their belief, that had not the treaty of 1769 been evaded, Hyder never would have sought other allies than themselves. The Supreme Council, to whom reference was made, approved in general of an alliance with Hyder but being at that time zealous to form a connexion with the Rajah of Berar they directed a modification of the terms in regard to Ragoba, whose cause, they said, was supported, not as an end, but a means and a means now deemed subordinate to the successful issue of the negotiation with Moodajee.

A friendly intercourse subsisted between Hyder and the French. He had been supplied by them with arms and military stores. A number of adventurers of that nation commanded and disciplined his troops and they were united by a common hatred of the English power. A desire to save appearances however, constrained Hyder to congratulate the English upon the reduction of Pondicherry but, anticipating the design of attacking Malé he gave early intimation of the resentment with which he would

regard any such attempt. Mahé was situated in the territory of a petty prince on the western coast, who, with the other petty princes, his neighbours, were rendered tributary to Hyder, and ranked among his dependants. The merchants of various nations, it was declared by Hyder, had settlements, and performed traffic, in his dominions, and all of them, as if they were subjects of his own, he would resolutely defend. To soften his animosity, and prevent a rupture, which the dread of his power, and, above all, his apprehended union with the French, clothed in considerable terrors, there was sent to his presence, in January, 1779, a person, who, though empowered to declare the resolution of attacking Mahé, should assure Hyder of the desire which the Presidency felt to study his inclinations, and to cultivate his friendship. The messenger was received with but little respect, and the invasion of Carnatic was threatened, as the retaliation for interfering with Mahé. At that particular moment, Hyder was engaged in the conquests of Gooti, of Carnoul, and Cudapah; the former belonging to the Mahratta chieftain Morari Row, the two last to their respective Nabobs, dependants of the Subahdar, and thence was hindered from taking effectual measures to defeat the expedition against Mahé. But the Presidency were now convinced of his decided aversion; and were informed of his intention to make peace with the Mahrattas, for enabling him the more completely to carry into execution his designs against the English. Their thoughts were called to the necessity of preparation; and they saw nothing but dangers and difficulties in their path. The Nabob, as he informed them, and as they knew well without his information, was destitute of money; and as destitute of troops, on whom, either for numbers or quality, any reliance could be

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BOOK V placed. Their own treasury was impoverished, and
 CHAP 5. if the cavalry of Hyder should enter the country,
 1780 neither could the revenues be collected, nor provisions
 be procured. More alive than they to the sense of
 danger the Nabob urged the necessity of making
 peace with Hyder, by stopping the expedition to
 Mahé or, on the other hand, of making terms with
 the Mahrattas and the Subahdar. So far from at-
 tempting to conciliate either Hyder or the Subahdar
 the Presidency formed with Bazalut Jung the arrange-
 ment which has been already described respecting
 the Guntoor Circar and military assistance, and
 which in the highest degree alarmed and exasper-
 ated both. The detachment which under Colonel
 Harpur was sent to the assistance of Bazalut Jung
 attempted to proceed to Adoni, through a part of
 Cudapah which Hyder had lately subdued. His
 troops barricaded the passes; and the detachment,
 afraid of being surrounded was obliged to march
 back and wait for subsequent orders. Hyder not
 only assured Bazalut Jung, by writing that he would
 not permit the English whom he described as the
 most faithless and usurping of all mankind to es-
 tablish themselves in a place so contiguous to his coun-
 try and so important as Guntoor but in the month
 of November he sent a body of troops into the terri-
 tory of that Prince took possession of the open coun-
 try and joined with Nizam Ali his brother in threat-
 ening him with instant ruin unless he broke off all
 correspondence with the English. In this emergency
 Bazalut Jung was constrained to forbid the march of
 the English detachment and to request the resto-
 ration of Guntoor as the only means of pacifying his
 brother and Hyder and averting his fate. The
 question respecting the Circar came under deliberation
 of the Council on the 30th of December when the

decree was passed that it should not be restored. BOOK V
Though its importance was considerable, because CHAP 5
situated as it was between the territories of the Nabob, or, more properly speaking, of the English, in Carnatic, and the four Northern Circars, it completed the communication between their northern and southern possessions, and, by placing in their hands the port of Mootapilly, deprived Nizam Ali of all connexion with the sea, reduced him to the condition of a merely inland power, and in particular closed the channel by which French supplies could easily reach him, yet the embarrassment, created in the Council, by the bargain they had concluded with the Nabob, for a ten years' lease of that Circar, contributed not less, it would appear, than all other inducements to the resolution which they formed.

Under the apprehensions which the resentment and preparations of Hyder inspired, the Presidency, at the end of October, had represented to the Supreme Council the prospect of a rupture with that chieftain, the dangerous magnitude of his power, and their want of resources, had pressed upon them the necessity of forming a peace with the Mahrattas, as in that event Hyder would be restrained by his fears; and had written in similar terms to General Goddard at Bombay. Soon after, when they were informed of the probability that hostilities would be renewed with the Mahrattas, they reiterated the statement of their apprehensions, and concluded that, destitute as they were of resources for all active operations, they could only collect their troops as much as possible, and wait to see what the resolutions of the Supreme Board would enable them to undertake.

Before the end of November, the Nabob, whose intelligence respecting the proceedings of the Indian

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powers was in general uncommonly good, informed the Governor, that a treaty had been formed between Hyder and the Mahrattas, to which Nizam Ali had acceded, for a system of combined hostilities against the English. Though in his answer to the Nabob the Governor appeared to discredit the intelligence, it was not long before he was satisfied of its truth and in the letter which on the 31st of December, the Select Committee addressed to the Supreme Board they represent the treaty between Hyder and the Mahrattas, as an undoubted fact. Still they were not so much impressed with a sense of imminent danger as to be deterred from sending a body of troops to the assistance of Goddard in lieu of those which were detained at Tellicherry being in daily expectation of a regiment from Europe conceiving themselves sufficiently strong to cover the principal garrisons and deeming it vain without cavalry, to attempt to protect the open country against the invasion of a vast body of horse. In the month of January, 1780 the President wrote to the Court of Directors, that notwithstanding the alarms in which they had been held by the hostile appearances of Hyder and the Nizam and notwithstanding the provocation which the support of Ragoba had given both to the Mahrattas and the Nizam there was still a prospect of tranquillity and in the following month he repeated in still stronger terms a similar assurance. Till the month of June no measures were pursued which had a reference to the war and even then it was only commanded that Colonel Harpur's detachment which had been transferred to the command of Colonel Baillie should cross the Kistna, to be more in readiness "in case of any disturbance in the Carnatic." On the 19th of June intelligence was received from the officer at Velore, that Hyder had

begun his march from Seringapatam, and that a great army was already collected at Bangalore. On the 28th of the same month, the Select Committee of Fort St. George declared, by letter to the Supreme Board, that Hyder had received from the French islands a great quantity of military stores, that his army which he had been rapidly increasing for two years past, was now equipped for immediate service; that a part of it was already advanced to the borders of Carnatic; and that intelligence had been received of his being actually employed in clearing the road to one of the principal passes.

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While the affairs of the Presidency were approaching to their present situation, a division had existed not only in the Council, but in the Select Committee itself. The President however, and the General had combined; and they retained a majority in both. In contemplation of the resentment of Hyder, and the progress of his power, the party, the views of which were apt to discord with those of the leading members of the government, had strongly urged upon them, at various times, the necessity of making preparations against the invasion with which they were threatened by Hyder, and of which they had received intimation from various quarters. If the resources of the Nabob and the Presidency combined were unequal to the maintenance of an army sufficient for the protection of the open country, it behoved them at least to assemble the troops; which, scattered as they were in petty garrisons over a great extent of country, could not, in case of an emergency, be collected without a lapse of time; and of which the junction would become hazardous, and perhaps impracticable, if the country were pervaded by Hyder's horse. The majority, indeed, had expressed their opinion of the necessity of having the troops collected in a body, and

BOOK V ready to act, previous to invasion But they had not
 CHAP 5 yet become persuaded that the danger was sufficiently
 1780 imminent to render it necessary that preparation
 should begin

On the 21st of July information was brought from the commander at Amboor, that Hyder and his two sons, with the principal part of his army had come through the pass, and that his artillery was drawn up in the road to Changama. This intelligence, though it was confirmed from several quarters, was treated with slight regard by the party in power, and on the 23d when Lord Macleod represented to the Governor, "That perhaps the report of Hyder's invasion might be true, and that he thought at all events they ought to take measures to oppose him the Governor answered What can we do? We have no money But added We mean, however, to assemble an army and you are to command it"¹ The next day brought undoubted intelligence that Porto Novo, on the coast, and Conjeveram not fifty miles from the capital, had been plundered by the enemy

The army with which Hyder had arrived, was not less than 100 000 strong Of his infantry 20 000 were formed into regular battalions, and mostly commanded by Europeans His cavalry amounted to 30 000 of which 2,000 were Abyssinian horse and constantly attended upon his person 10 000 were Carnatic cavalry well disciplined, of which one half had belonged to the Nalob, and after having been trained by English officers had either deserted or been disbanded for want of ability to pay them: He had 100 pieces of cannon managed by Europeans

¹ Lord Macleod was the commander in chief of the European troops which had been by agreement sent to assist the British in the recovery of the city, quoted in the First Report of the Select Committee p. 41 and 51

and natives, who had been trained by the English for the Nabob: And Monsieur Lally, who had left the service of the Subahdar for that of Hyder, was present with his corps of Frenchmen or other Europeans, to the amount of about 400 men, and had a principal share in planning and conducting the operations of the army.

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The arrival of Hyder, and the rapidity with which his cavalry over-ran the country, and spread ruin and desolation in a circle of many miles round Madras, filled Carnatic immediately with terror and dismay. The people fled from the open country to the woods, and the mountains; their houses were set on fire; the fields were left uncultivated, or the crops destroyed: Alarm succeeded alarm. Intelligence poured in from all quarters, that one place after another was assailed; till every part of the Carnatic frontier appeared to be entered, and even the northern Circars exposed to a similar fate.

On the 24th of July, the Select Committee assembled in deliberation. The object of greatest urgency was, to call the troops together, and form an army in the field. The European regiment at Poonamallee, that of Velore, the battalion of Europeans, and the four battalions of sepoys cantoned at Pondicherry, the battalion of sepoys, and the grenadiers of the European battalion at Madras, the battalion at Trichinopoly, and the artillery at the mount, received orders to be in readiness to march. Absent officers were summoned to join their corps; and all things necessary for an army in the field were ordered to be immediately prepared. Letters were sent to the other Presidencies and settlements. The Governor-General and Council were importuned for money, and informed, that, if the Presidency were assured of pecuniary means, and not embarrassed by

BOOK V their ignorance of the state of affairs between the
 CHAP 5 Bengal government and the Mahrattas, they would
 1780 produce an attack on the possessions of Hyder on the
 western coast, by assistance sent to the detachment
 at Tellicherry, and the co-operation of his Majesty's
 fleet

Colonel Baillie, who commanded the detachment in Guntoor, consisting of about 150 Europeans, infantry and artillery, and upwards of 2,000 sepoy, was instructed to operate a diversion, by attacking Cudapah or some of the other possessions of Hyder. This step was vehemently opposed in council by the antagonizing party as sure, they said to fail in detaching from his principal object any part of the attention or forces of Hyder and sure to enfeeble their defence at home by the absence of so important a part of their forces which ought to be directed to march without a moment's delay by the safest route to Madras. As an additional reason for persisting in their original orders the Governor and his majority alleged their doubts of being able to procure provisions for a greater number of troops than the marching orders already embraced. But on the 31st of July, when a letter was received from Colonel Baillie representing the difficulties he experienced in finding subsistence for his troops, or in detaining the bullocks absolutely necessary for his march they altered their instructions and directed him to proceed towards the Presidency taking such a route as might offer a chance of intercepting some of the enemy's convoys.

By the majority in which both the Governor and the General were comprised, it was resolved that the troops should assemble and the army should be formed at a place near Conjeeveram where they would be nearer to the stores of provisions laid up by

the Nabob in the forts, and prepared to yield a readier support to the garrisons which the enemy might assault. To constitute the majority of the Governor, it so happened, that the voice of the General was requisite; and if he departed to take the command of the army, their majority would be lost. On the ground that his counsels at the Presidency were of more importance at this moment, than his presence with the army, it was moved and voted that he should not depart; and that the command of the army should be entrusted to Lord Macleod. When the plan of operations, however, and in particular that part of it which consisted in assembling the army at Conjeveram, was communicated to that officer, he represented the danger with which, now that the country was invaded, the separate detachments would march to a place so distant and exposed; preferred the security of forming a junction in the neighbourhood of Madras, and of not taking the field till an army should be assembled sufficient at least to cope with the principal bodies of the enemy's horse; and declared his aversion to adopt a responsibility in the execution of plans of which his judgment did not approve. These observations appear to have piqued the General, who insisted upon the advantage of assembling close to the scene of action, for the purpose of protecting the forts; and instead of acknowledging the difficulty of uniting the forces near Conjeveram, he ventured to pledge himself to the Committee for carrying that measure into effect. Upon this, it became a matter of necessity, that he should leave his seat in the Select Committee; but to preserve its majority to the party to which he belonged, a new expedient was devised. On the allegation, that his plans had no chance of support, and that his reputation, neither as an officer nor a man, was safe, if the managing power

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BOOK V Pondicherry all the French officers capable of ser-
 CHAP 5 vice, and taking an oath of fidelity from the prin-

1780 cipal Frenchmen that remained, commenced his march. He arrived at Carangoly on the 12th of August, and found it garrisoned by only a petty officer of the Nabob and twenty sepoys. They would have surrendered it, he was well assured on the very first summons and had it not by a singular oversight, as it commanded the only road by which Brathwaite could proceed, been neglected by the enemy, who had a large body of horse in its neighbourhood, the most serious consequences might have ensued. The country through which he passed after leaving Carangoly would have rendered it so difficult for him to escape if attacked by the enemy, that he formed a very contemptible opinion either of Hyder's military skill or his means of offence when he allowed so favourable an opportunity to be lost. On the 18th, after a hazardous and fatiguing march Colonel Brathwaite arrived at Chinliput, when he received orders to join the army at the Mount.

After various speculations and reports respecting the plan of hostilities which Hyder would pursue, uncertainty was at last removed by his marching towards Arcot and taking ground before it on the 21st of August. The danger of that place excited no little interest and alarm. It was not only the capital of the province but contained the principal portion of the very defective stores which the Nabob had provided and afforded to Hyder a situation highly convenient, both for the accommodation of his troops and for spreading his operations over the province. From every quarter alarming intelligence arrived. His troops of Hyder were expected in the circuit of Guttoor which had neither forts nor soldiers sufficient to oppose them and where the Semun

dars were disaffected to the Company and in correspondence with the enemy. An army of Mahrattas from Berar had marched into Cuttack, and brought into imminent danger the defenceless state of the northern circars. A body of Hyder's troops had united with the Nairs, and having driven the Company's troops from the Island of Durampatnam, threatened Tellicherry, with all the British possessions on the coast of Malabar. The enemy had appeared on the frontier of Madura, and the admiral of the fleet communicated to the President and Select Committee intelligence which he had received from Europe, and on which he relied, that a French naval and military force might soon be expected in India

While pressed by dangers, thus extraordinary both in number and degree, the Presidency found their treasury empty; they had endeavoured to borrow money upon the Company's bonds with little effect, the loans of the Nabob bearing a better interest; they made urgent applications to the Nabob for pecuniary and other supplies, and received from him a deplorable picture of his own poverty and necessities, of the wretched and unproductive condition of the whole country, and the oppressive load of his debts, principally, he said, produced, by the money which he had expended and lost in the conquest of Tanjore: To a similar application made to the Rajah of Tanjore, he replied with a truth not liable to dispute, that from the total exhaustion of his country by the recent conquest, and by the oppressive administration of the Nabob for several years, he was wholly incapable of furnishing any considerable supplies. By desertion for want of pay, or disbanding for want of ability to pay, the Nabob's army was greatly reduced. Even that reduced army was mutinous from the length of

BOOK V its arrears, and a source of apprehension rather than
 CHAP 5 of hope.

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On the 25th of August, the General left the Presidency, and joined the army which was encamped at St. Thomas's Mount. Of cavalry, there was one regiment, belonging to the Nabob but commanded by English officers, and it refused to march unless it received its arrears. The men were deprived of their ammunition and arms and about fifty six of them only consented to serve. The rest of the army consisted of the King's 73d regiment, one battalion of the Company's European troops, with the grenadiers of another five battalions of sepoys, a company of marksmen two troops of cavalry, and a large train of artillery, amounting officers included to 5209¹. With the utmost difficulty as much rice had been provided as would serve the troops for eight days the sepoys were obliged to be loaded with four days supply and the utmost efforts barely sufficed to procure bullocks to carry the remainder. The General notwithstanding insisted upon loading his march with a number of heavy cannon of which, as he had no fortifications to attack, the use did not appear to be very remarkable. On the 26th the army left the Mount and after a march of four days reached the camp near Conjeeveram. During the two last days the rain had fallen with great violence, had broken the roads, and rendered the march especially with heavy artillery slow and fatiguing. The enemy's cavalry had pressed upon them in great numbers and wounded and taken some of the men. The agent of the Nabob who accompanied the army, and on

¹ 1200 European Infantry 20000 Native 20000 Cavalry 10000 Artillery 10000 Heavy cannon, and 10000 mortars

whom the General depended to procure both provisions and intelligence, informed him, that he had no power for procuring either the one or the other; and his only remaining resource was in the paddy in the fields about Conjeveram.

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It had been concerted, that the detachment of Colonel Baillie should reach Conjeveram on the day after the arrival of General Munro and the army. But on the 31st, a letter from Baillie gave information that he had been stopped about five miles north from Trepassore by a small river which the rains had swelled. On the same day, it was reported by some deserters that Hyder had left Arcot, was crossing the river Palâr, and marching with his whole army toward Conjeveram. On the 3d of September, the same day on which Baillie crossed the river by which he had been impeded, the enemy encamped at five miles distance in front of the army near Conjeveram. The continuance of the rains, and the necessity of collecting the rice in the fields, and beating it for themselves out of the husk, greatly incommoded and harassed the troops. On the 6th, the enemy moved his camp to the north-east; upon which the English advanced to a high ground about two miles upon the road towards Ballee and Trepassore, having the enemy at a distance of about two miles upon their left. While this movement was performing, Hyder had sent forward his son Tippoo Saib with a large body of the flower of his army to cut off the English detachment with Colonel Baillie, who had now advanced to Peerambaucum, distant from the main army about fifteen miles. Baillie made a disposition to resist a prodigious superiority of force; sustained a severe conflict of several hours, and at last repelled the assailants. By a letter on the 8th, he informed Munro, that upon a review after the battle he found

BOOK V the movement, requisite for the junction, beyond the
 CHAP 5 powers of his detachment, and intimated the neces-
 1780 sity, that the General should push forward with the
 main body of the army. The General now found
 himself pressed by dangers, to whatever quarter he
 turned. All his provisions consisted in a small quan-
 tity of paddy which he had been able to collect in a
 pagoda. If he moved, the enemy would occupy his
 ground and cut him off from the means of sub-
 sistence. With the concurrence of his principal
 officers, he adopted an expedient, of which the danger
 was scarcely, perhaps, more worthy of dread than
 of still further dividing his little army, by sending a
 strong detachment, which joining Baillie might
 enable him to proceed. About nine o'clock in the
 evening of the 8th Colonel Fletcher marched with
 the flank companies of the 73d regiment, two com-
 panies of European grenadiers one company of sepoy
 marksmen and ten companies of sepoy grenadiers.
 The field pieces which the General proposed to send
 with the detachment, Colonel Fletcher declined as
 calculated to impede his march. The men left even
 their knapsacks and marched with only two days pro-
 visions. Being joined by this detachment Baillie
 was instructed to move in the evening of the 9th
 and march the whole of the night. On that night
 the tents of the main army were struck and the men
 lay on their arms. About twelve o'clock some cannon
 and musketry were heard but they presently ceased
 and all was still. A little before day break a heavy
 firing of cannon and musketry was heard at a distance.
 It was soon perceived that the enemy's army had
 moved. The General gave orders to march by the
 right in the direction of the firing. After proceeding
 about four miles he ordered guns to be fired as a
 signal of his approach and after a mile and a half

repeated the signal. A great smoke was suddenly perceived, and the firing ceased. Supposing that Baillie had repulsed the enemy, the General led the army back into the road, in hopes to meet him. After marching about two miles, he met a wounded sepoy, who had escaped from the fight, and told him that Colonel Baillie was entirely defeated. The General concluded that the safety of the army depended upon its returning to Conjeveram; where it arrived about six in the evening, and where the arrival of more wounded sepoy confirmed the report of the disaster.

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While the English general was placed in so complete an ignorance of the proceedings of the enemy, Hyder had intelligence of every transaction of the English camp. He was correctly informed of the route of Colonel Fletcher, the number and quality of his troops, the time of their march, and even the circumstance of leaving their cannon behind. He sent a strong detachment to intercept them. But, the sagacity of Fletcher suggesting suspicion of his guides, he altered his route, and, by cover of night, evaded the danger. The junction of the two detachments, after the defeat by Baillie of so large a portion of the enemy a few days before, struck alarm into the Mysorean camp. Even the European officers in the service of Hyder regarded the junction as a masterly stroke of generalship, intended for the immediate attack of his army both in front and rear. Lally himself repaired to Hyder, and entreated him to save his army from destruction by a timely retreat. The resolution of Hyder was shaken, till two of his spies arrived, and assured him, not only that the English army at Conjeveram was not in motion, but that it was making no preparation to that effect. To his European officers this intelligence appeared so perfectly incredible, that they concluded the spies

BOOK V to be sold, and entreated Hyder not to incur his ruin
 CHAP 5 by confiding in their report Hyder immediately
 1780 formed his plan A difficult part of the road was
 enfiladed with concealed cannon and large bodies
 of the best part of his infantry were placed in ambush
 on either side, a cloud of irregular cavalry were em-
 ployed to engage the attention of the English main
 army in the direction of Conjeveram while Hyder,
 with the main body of his army, lay to watch the
 attack.

Colonel Fletcher joined with his detachment at
 half an hour after six in the morning of the 9th
 They reposed during the day and after the parade
 in the evening Colonel Baillie gave orders to be in
 readiness to march Between eight and nine o'clock
 the men moved off toward the left by way of Sub-
 deveram The enemy began immediately to discharge
 their rockets but from the vigilance of the flanking
 parties did little execution A little after ten o'clock
 several guns opened on the rear The detachment
 countermarched and formed in line with the front
 toward Perambucum The enemy keeping up an
 incessant though not very destructive fire, and dis-
 covering no inclination to advance Colonel Baillie
 ordered his men to face to the right and march into
 an avenue which they had passed a few minutes
 before The enemy's cannon began to do great ex-
 ecution when Baillie detached a captain with five
 companies of Sepoys to storm their guns Though
 a water-course which happened at that time to be
 unforlable prevented this detachment from perform-
 ing the service on which they were commanded the
 intelligence of their march which was immediately
 communicated to the enemy threw their camp into
 alarm their guns were heard drawing off towards
 the English front and their noise and irregular fire,

resembled those of an army under a sudden and dangerous attack. A strong conviction of the necessity of preserving every portion of the little army with which the mighty host of the enemy was to be withstood, suggested, in all probability, both to Colonel Baillie and to the General, a caution which otherwise they would not have observed. For what other reason Colonel Baillie forbore to try the effect of an attack during the apparent confusion of the enemy; or, for what reason, unless a hope of being supported by the General with an attack on the opposite side, he did not, when the firing ceased, endeavour to proceed, but remained in his position till morning, it is not easy to divine. During the night, Tippoo, who had commanded only a detachment of the army in the preceding attack, had an opportunity of drawing his cannon to a strong post on the road, by which the English were obliged to pass; and of sending to his father advice, on which he immediately acted, of the advantage of supporting the attack with the whole of his army. At five o'clock in the morning Colonel Baillie's detachment began to advance. A few minutes after six two guns opened on their rear, and large bodies of horse appeared on their flanks. Four guns, which began to do considerable execution on their flanks, were successfully stormed, and the Pagoda of Conjeveram, the object of their hopes, and the termination of their perils and labour, began to appear; when they were informed, that the whole host of Hyder was approaching. "Very well," said Baillie, "we shall be prepared to receive them." And presently after, upwards of sixty pieces of cannon, with an immense quantity of rockets, began to play upon this little army. Great confusion was produced among the numerous followers of the camp, who were driven in upon the line, and Hyder's numerous

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BOOK V cavalry, supported by his regular infantry, and his
 CHAP 5 European corps, bore upon every point of attack
 1780 Nothing ever exceeded the steadiness and determination with which this handful of men sustained the fury of their enemies. No effort could break their order while Sepoys, as well as Europeans, repeatedly presented and recovered arms with as much coolness and regularity, as if they had been exhibiting on a parade. Every attack of the enemy was repulsed with vast slaughter. Their courage began to abate and even Hyder himself was perplexed. A movement executed by Colonel Baillie to the right, apparently with a view to attack the enemy's guns, increased the terrors of Hyder and he consulted Lally on the propriety of a retreat. Lally replied, that as the main army of the English was probably advancing upon his rear no expedient remained but to break through the detachment. When the heroic bravery of this little band presented so fair a prospect of baffling the host of their assailants, two of their tumbrils blew up which not only made a large opening in both lines but at once deprived them of ammunition, and overturned and disabled their guns. Their fire was now in a great measure silenced and their lines were no longer entire yet so great was the awe which they inspired that the enemy durst not immediately close. From half after seven, when the tumbrils blew up, they remained exposed to the fire of the cannon and rockets losing great numbers of officers and men till nine o'clock, when Hyder with his whole army came round the right flank. The cavalry charged in separate columns while bodies of infantry interspersed between them poured in volleys of musketry with dreadful effect. After the sepoys were almost all destroyed Colonel Baillie though severely wounded rallied the Europeans who sur-

vived. Forming a square, and gaining a little eminence, without ammunition, and almost all wounded, the officers fighting with their swords, and the men with their bayonets, they resisted and repelled thirteen attacks, many of the men when desperately wounded disdaining to receive quarter, and raising themselves from the ground to receive the enemy on their bayonets. Though not more than four hundred men, they still desired to be led on, and to cut their way through the enemy. But Baillie, despairing now of being relieved by Munro, and wishing, no doubt, to spare the lives of the brave men who surrounded him, deemed it better to hold up a flag of truce. The enemy at first treated this with contempt. After a few minutes, the men were ordered to lay down their arms, with intimation that quarter would be given. Yet they had no sooner surrendered, than the savages rushed upon them with unbridled fury, and had it not been for the great exertions of Lally, Pimoran, and other French officers, who implored for mercy, not a man of them probably would have been spared. The gallant Fletcher was among those who lay on the field of battle. About two hundred Europeans were taken prisoners, reserved to the horrors of a captivity more terrible than death. The inhuman treatment which they received was deplored and mitigated by the French officers in the service of Hyder, with a generosity which did honour to European education. "No pen," says an eye-witness, and a participator of their kindness,¹ "can do justice to the humanity of

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¹ See "A Narrative of the Captivity and Sufferings of the Officers, Soldiers, and Sepoys, who fell into the Hands of Hyder Ali, after the Battle of Conjeveram, September 10, 1780, by an Officer of Colonel Baillie's Detachment" It forms the second volume of the work entitled, "Memoirs of the late War in Asia," published by Murray, in 1788
N B Before reading the proof of this sheet, I have had the advantage of

BOOK V those gentlemen, without whose assistance, many of
 CHAP 5 our officers must have perished. But their merit will
 1780 live for ever embalmed in the hearts of all who felt
 or witnessed their beneficence."

Hyder withdrew to Damul, a place about six miles from the scene of action, and the next day returned to his camp, where he had left the tents standing and baggage unmoved, when he marched to the attack of the unfortunate Baillie. He had acted, during the whole of these operations, under the greatest apprehension of the march of Munro upon his rear. And had not that General been deterred, through his total want of intelligence, and his deficiency in the means of subsistence, from marching to the support of Baillie, had he fallen upon the rear of the enemy while the detachment was maintaining its heroic resistance in front, it is probable that the army of Hyder would have sustained a total defeat. On returning to Conjeeraram after intelligence of the fate of the detachment, the General found that the provisions, which he had been so unwilling to expose, amounted to barely one day's rice for the troops. Concluding that he should be immediately surrounded by Hyder's cavalry and cut off from all means of providing any further supply he began at three o'clock the next morning to retreat to Chingleput after throwing into a tank the heavy guns and stores which he could not remove. Hyder, informed of all

perm of the account of the same action in the second volume (not yet published) of "Hist. of the C. of India" by Colonel Walker. The account in the text is taken from the Journal of one eyewitness. Colonel Walker gives an account from that of another, much less favourable to the detachment and its commander. According to the account of Colonel Walker, a series of blunders and mismanagement on the part of the detachment led to the defeat of the leader; and the whole of the affair is presented as a series of blunders. Which account is more to be relied on? That when the detachment was away from the place, it acted like a regular army, and that they were not the cause of the defeat.

the motions of the English army, sent a body of not less than 6000 horse, who harassed continually their flanks and rear, wounded some of the men, and cut off several vehicles of baggage. Through several difficulties, they reached, about eleven at night, a river, within a mile and a half of Chingleput, so deep, that the rear of the army passed only at nine o'clock on the following morning. At this place the General expected to find a stock of provisions; but, with all his endeavours, could hardly procure paddy for a day. Fortunately for Colonel Cosbȳ, as he was about to make a forced march to Conjeveram, he met with one of the fugitive sepoys from Colonel Baillie's camp, upon whose intelligence he proceeded to Chingleput, and though considerably harassed by the enemy on his march, joined the army in safety on the morning of the 12th. Leaving the sick, and part of the baggage, at Chingleput, the whole army, at six o'clock on the morning of the 13th, began their march for the Mount, at which they arrived in the afternoon of the following day. Nothing could exceed the consternation and alarm of the Presidency, which now trembled even for Madras, and destitute as it was not only of provisions but supplies of every kind, if Hyder had followed the English with his usual impetuosity, and with his whole army assailed the place, it is hard to tell how nearly, if not completely, he might have involved the Carnatic interests of the nation in ruin.¹

On the 4th of September the Supreme Council in Bengal had deliberated upon the situation of the Pre-

¹ For the original documents relative to this irruption, see First Report, ut supra, with its Appendix. In "Memoirs of the late War in Asia," 1 134—168, besides the concomitant transactions, is a narrative of the transactions of Baillie's detachment, from the information of an officer who belonged to it. The Annual Register for 1782 contains a tolerable account, chiefly drawn from the Parliamentary Reports

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that government still possessed, Mr Francis objected to the magnitude of the supply, and would have sent only one half of the money and none of the troops, while peace, he said, should be concluded with the Mahrattas on any terms which they would accept. It was agreed that Sir Eyre Coote, and not the government of Madras, in whom confidence could not be wisely reposed, should have the sole power over the money which was supplied. It was resolved, that the strong measure should be taken of suspending the Governor of Fort St George, for his neglect of their commands in not restoring the Circar of Guntoor. and on the 13th of October, Sir Eyre Coote sailed from Calcutta, with a battalion of European infantry consisting of 330 men two companies of artillery consisting of 200 men with their complement of 630 Lascars, and between forty and fifty gentlemen volunteers. The prejudices of the Sepoys rendered it hazardous to attempt to send them by sea, and till the waters abated, which in the rainy season covered the low lands on the coast, it was not practicable for them to proceed by land. The intention indeed was entertained of sending by land four or five battalions in the course of the next or the ensuing month but to that proceeding another difficulty was opposed. Moodajee Bondlah the Regent of Berar, after showing a great readiness to meet the proposal of an alliance with the English had afterwards temporised and though he afforded Colonel Coddard a safe passage through his dominions declined all co-operation by means of his troops and even evaded a renewal of the negotiation. When the disaffection of Nizam Ali towards the English was increased that chieftain united his councils with the Poonah rulers and with Hyder Ali for the means of gratifying his resentments and they joined in

threatening the Regent of Berar, if he afforded assistance to the English. The Regent distrusted his means of resistance, and dared not to form the interdicted conjunction. Nizam and the Poonah chiefs even insisted that he should send an army to invade and ravage Bengal, and he was afraid to resist the command: as he had no intention however to bring upon himself the resentment of the English, he communicated to the Governor-General intelligence of the constraint under which he acted; and, though he sent into Cuttack an army of 30,000 horse, under his son Chimnajee Bonslah, he promised to contrive, by means of delay, that it should not reach the borders of Bengal till the season of action was over, and the rains begun. When it did arrive, which was early in June, 1780, it was in such distress for want of provisions, as to find a necessity of applying to the Bengal government for aid. The policy of preserving, if possible, the relations of amity with the state of Berar, as well as the motive of making a suitable return for the accommodations afforded to Colonel Goddard on his march, disposed the government to comply with its request. The army of Chimnajee Bonslah was in want of money no less than provisions, and on the 21st of September, an urgent request was tendered for a pecuniary accommodation, which the Governor-General privately, and without communication with his Council, in part supplied, at the same time intimating, that it depended upon the recall of that army from Cuttack, or its junction with the troops of the Company, to enable him to propose a public gratuity better proportioned to its wants. It might in these circumstances be presumed, that Chimnajee Bonslah would not hinder an English detachment to pass through Cuttack for Madras, but evil intentions on his part were

BOOK 1 cord prevailed between the officers of the Nabob, and
 CHAP 5 those of the Company during the whole of the siege

1780 The approaches of Hyder were carried on with a skill resembling that of the best engineers, and his artillery was so well served as to dismount repeatedly the English guns upon the batteries. After a siege of six weeks, the town which surrounded the fort was taken on the 31st of October, by assault but the fort was strong, and still might have defended itself for a considerable time. The favour with which Hyder found his cause regarded by the people he took care to improve, by the protection which he afforded to the inhabitants of Arcot, and the treatment of his prisoners the applause of his generosity easily passed from the people without the fort to the people within with the Nabob's officers he probably corresponded the native troops almost all deserted and the fort capitulated on the 3d of November. The officer who commanded in the fort, on the part of the Nabob he took immediately into his service and confidence. Many other of the Nabob's garrisons had surrendered, with little or no resistance generally upon the summons of Hyder's horse and though an excuse was furnished by the condition in which they found themselves with respect to the means of defence, nothing less than general treachery and disaffection seemed sufficient to account for the facility with which every place was given up. Hyder immediately supplied the forts with garrisons repaired the works and laid in provisions and stores. He proceeded with great expedition to put Arcot into the best possible state of defence. Every avenue which led to it from Madras and from Madras to the forts which the Nabob or English still retained were occupied by large detachments of his horse and when need was even by infantry, and fortified posts.

By this means, the channel of communication, not only for supply, but even for intelligence, was almost wholly cut off.

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Not deficient, either in the virtues which inspire affection, or in those which command respect, Sir Eyre Coote, as he was somewhat disposed to enlarge in praise of himself, so was somewhat apt to indulge in complaint of others. In the letters, which after his arrival in Carnatic he addressed to the Directors and the ministers of the King, he drew a picture in the darkest colours, not only of the weak and disastrous condition into which the country was brought, but of the negligence and incapacity, if not the corruption and guilt, of those servants of the Company, under whose management such misfortunes had arrived. It was, however, much more easy to point out what it was desirable should have been performed, than, with the defective revenue of the Presidency, to have performed it.¹ That Presidency had repeatedly represented both to the Supreme Council, and to the Directors, their utter incapacity, through want of money, to make any military exertion, and by both had been left to struggle with their necessities. It was the poverty of Carnatic, and the unwillingness of all parties to act as if they believed in that poverty, much more, it is probable, than the negligence or corruption of the government, which produced the danger by which all were now alarmed.

According to the statement of the General, the whole army with which he had to take the field against the numerous host of Hyder, did not exceed 7000 men, of whom 1700 alone were Europeans.

¹ See the Fourth Report of the Committee of Secrecy, p 6, where it appears to have been distinctly announced, by the Governor and Council, on the 19th January, 1779, that their resources were unequal, even to their peace establishment much more to make any preparations for war

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Having put down in writing the view which he took of the situation of affairs, and the plan of hostilities which it appeared to him most advisable to pursue he called a Council of War, consisting of the three general officers at the Presidency, Sir Hector Munro, Lord Macleod, and Brigadier General Stuart laid the paper before them and desired that, after the most mature consideration, they would give their opinions upon it separately in writing. As four of the principal strong holds of Carnatic Vellore Wandewash Permacoil, and Chingleput represented by the Nabob as containing considerable stores, were invested by the enemy the General proposed to begin with the operations necessary for their relief¹. Not contented with the sanction of the general officers he deemed it meet with a condescension to which the pride of military knowledge can seldom submit to communicate the proceedings of the Council of War to the Select Committee and to desire their opinion. All agreed in approving the plans of the General and reposing unbounded confidence in his direction. As Wandewash was the place in most imminent danger, the first effort was directed in its favour. The probability that Hyder would not permit them unopposed to pass the river Pallar it was gallantly and generously observed by Munro was a motive rather to stimulate than repel as the troops under their present leader he was confident would prevail and nothing was, therefore more desirable than to bring

Hyder to a general action. On the 17th of January, 1781, the army, under the command of General Coote, marched from the encampment at the Mount. Hyder was struck with awe, by the arrival of the new commander, and the reinforcements from Bengal. So far from opposing the passage of the Palâr, he abandoned Wandewash with precipitation as soon as the army approached. But this success was counterbalanced by the fall of the important fortress of Amboor, which commanded one of the passes into Carnatic. From Wandewash the army was on its march toward Permacoil, when intelligence was received by express, that a French fleet had arrived. This was an event by which attention was roused. The direction of the march was immediately changed; and the army, after a few days, encamped on the red hills of Pondicherry, with its front toward Arcot.

After the reduction of Pondicherry, the inhabitants had been treated with uncommon forbearance and generosity. The fortifications alone were destroyed. The people were allowed to trade under the protection of the English, and the officers to remain on their parole. Even upon the invasion of Hyder, when it was entirely evacuated by the English troops, the officers alone were sent to Madras. The flattering prospect of being speedily reinforced by their countrymen, of seeing themselves change places with the English, and of contributing something to the recovery in India of the glory and power of their country, tempted the Frenchmen of Pondicherry to forget the favours which they had received. They applied coercion to the English resident; enlisted sepoys, and laid in provisions at Carangoly. Sir Eyre Coote made haste to disarm the inhabitants, to remove the provisions from Carangoly, and to destroy the boats. The French fleet, consisting of seven

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large ships, and four frigates, lay at anchor off Pondicherry. The English army was closely followed by large bodies of the enemy's horse and on the 8th of February Hyder passed at the head of his army, within cannon shot of the English camp marching, as was supposed directly to Cuddalore. The English drums beat to arms and while the enemy proceeded on one of the two roads which led towards Cuddalore the English marched parallel with them on the other and encamped on the 9th with their right towards the ruins of Fort St David and their left towards Cuddalore. So feeble were the resources of the English General, that he was already reduced to a few days' provisions and eager for a battle as the most probable means of obtaining relief. He moved the army on the 10th from the cover of the guns of Cuddalore leaving the tents standing and placed himself in order of battle. He informed the men as he rode along the line that the very day which he wished for was arrived and that they would be able in a few hours to reap the fruit of their labours. The English remained for three successive days offering battle to the enemy, which he was too cunning to accept and on the fourth returned to their camp with a great increase of their sick their provisions almost exhausted, the cattle on which their movements depended dying for want of forage. Hyder in possession of the surrounding country and an enemy's fleet upon the coast. The deepness of the gloom was a little dispelled by the sudden departure of that fleet which being greatly in want of water and other necessaries and afraid of the English squadron which was shortly expected back from the opposite coast set sail on the 14th of February and proceeded to the Ile of France.

The inability in the English army to move for

want of provisions and equipments, and the policy of Hyder to avoid the hazards of a battle, prevented all operations of importance during several months. In the mean time, Hyder reduced the fortress of Thiagar, his cavalry over-ran and plundered the open country of Tanjore; and Tippoo Saib, with a large division of his army, laid siege to Wandewash.

On the 14th of June the fleet returned with a reinforcement of troops from Bombay. While absent on the western coast, Sir Edward Hughes had attacked the ships of Hyder, in his own ports of Calcut and Mangalore, and destroyed the rudiments of that maritime power which it was one of the favourite objects of his ambition to erect.

The want of bullocks, which were the draught cattle of the army, rendered the movement even of the English artillery heavy and slow. In hopes of being now supplied with provisions by sea while they remained upon the coast, the English proceeded to Porto Novo on the 19th of June, not only to put a stop to the ravages of the enemy in Tanjore and the neighbouring districts, but to yield protection to Trichinopoly, against which, it was evident, that Hyder was preparing to march. On the 18th, General Coote in person conducted a large detachment to the assault of the fortified Pagoda of Chillambram, where he was repulsed with very considerable loss. This event, which the English regarded as a heavy misfortune, produced the most favourable results. At a time when they could by no means venture to carry their operations from the vicinity of the sea; when then imbecility was becoming dangerously visible, and when they might have been soon cooped up within the walls of Madras, this disaster sufficiently elevated Hyder, whose army had increased with the progress of his arms, to hazard a battle for the sake

BOOK V of preventing the advance of the English towards
 CHAP 5. Trichinopoly which as holding in check the southern
 1781 countries, was regarded by him as an object of great
 importance and against which he was proportion-
 ally desirous that his operations should not be dis-
 turbed. He was dissuaded it is said but in vain,
 from this rash design, by the prudence of his eldest
 son and advancing on the only road by which the
 English could proceed to Cuddalore, he took up an
 advantageous position, which he fortified with re-
 doubts, while the English were obtaining a few days
 provisions landed laboriously through the surf.
 Early in the morning of the 1st of July, the English
 army broke up the camp at Porto Novo, and com-
 menced their march with the sea at a little distance
 on their right. To the other difficulties under which
 the English General laboured was added a want of
 intelligence partly from deficient arrangements but
 chiefly, it is probable, from the disaffection of the
 people of the country, and the diffusion of Hyder's
 horse, who seldom allowed a spy to return. After a
 march of about an hour the opening of an extensive
 prospect discovered a large body of cavalry drawn up
 on the plain. It was necessary to detach from the
 English army, small as it was a considerable body
 of troops for the protection from the enemy's irreg-
 ular horse of the baggage and the multitudinous
 followers of an Indian camp. The General formed
 the army in two lines and advanced in order of
 battle. A heavy cannonade was opened on the
 cavalry which occupied the road before them. This
 dispersed the cavalry and exposed to view a line of
 redoubt commanding the road and the enemy be-
 hind that line extending on the right and left to a
 greater distance on the plain than the eye could com-
 mand. The troops were ordered to halt and th

principal officers were summoned to council. The difficulties were almost insurmountable. The sea enclosed them on the right. Impracticable sand-banks on the left. To advance directly upon the fire of so many batteries exposed the army to a dreadful slaughter, if not extermination: And four days' provisions, which the men carried upon their backs, constituted the whole of their means of subsistence. While the Council deliberated, an officer, walking to a little distance, discovered a road cut through the sand hills. It was afterwards found to have been made by Hyder the preceding night, with a view to enable him, when the English should be storming the batteries in front, to throw them into confusion by falling on their flank, when his horse would rush from behind the batteries and complete their destruction. The army filed off into the newly discovered road, the sepoys unharnessing the wretched oxen, and drawing the artillery more quickly themselves. Hyder perceived the failure of his stratagem, evacuated his works, and moved exactly parallel with the English army which, after passing the sand banks, turned and faced the enemy. A pause ensued, during which the General seemed irresolute, and some officers counselled a retreat. Several of the men fell under the fire of the enemy's guns, which had been removed with great expedition from the batteries, and placed in the line. The second line of the English army was commanded to occupy some heights in the rear. Hyder, soon aware of the importance of this position, sent a division of his army to dislodge them. The first line of the English, led by Sir Hector Munro, now went forward to the attack, and at the same time another division of the enemy endeavoured to penetrate between the two lines, and attack the General in the rear. For six hours, during

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BOOK V which the contest lasted, every part of the English
 CHAP 5 army was engaged to the utmost limit of exertion

1781 The second line upon the heights skilfully and bravely commanded by General Stuart, not only repelled the several attacks which were made to force them from their advantageous ground but successfully resisted the attempt which was made to penetrate between the lines and rendered it impossible for the enemy to aim a stroke at the baggage towards the sea. The first line was thus left with undivided attention to maintain their arduous conflict with the main body of Hyder's army where their admirable perseverance at last prevailed and driving before them promiscuously, infantry, cavalry, artillery, they finally precipitated the enemy into a disorderly retreat. Had the English possessed cavalry and other means of active pursuit, they might have deprived Hyder of his artillery and stores and possibly reduced him to the necessity of evacuating the province. Their loss did not exceed 400 men and not one officer of rank was either killed or wounded. The enemy's principal loss was sustained in the first attack upon the line on the heights, the strength of which they mistook and advanced with too much confidence of success. In the rest of the battle they fought chiefly at a distance and with their artillery which was skilfully served. The consequences of this victory were highly important. Hyder abandoned his designs upon the southern provinces. Tippoo raised the siege of Wandewash and both retired with the whole of their army to the neighbourhood of Arcot.

The body of native troops which it had been resolved by the government of Bengal to send by land to the assistance of Madras, was long detained by the negotiations carried on as well with the Berar government as with Chimnaje the Commander of

the army in Cuttack. The distress of that Com-BOOK V
mander for money to pay his troops, and the pro-CHAP 5
posal of a gratuity of thirteen, with a loan of ten, lacs 1781.
of rupees; though distrust of the English power, now
violently shaken, made his father shy; induced Chim-
najee to engage for a safe passage to the troops
The detachment was placed under the command of
Colonel Peaice; and about the end of March ar-
rived at Ganjam, where it was long detained by the
violence of an infectious disease. This, together with
a great desertion among the sepoy, materially
weakened the battalions; and their junction was not
effected with Coote, who had returned to Madras,
before the beginning of August.

The object which more immediately engrossed the
desires of the English was the recovery of Arcot.
As the want of provisions was the grand impediment
to that enterprise, and as the enemy were reported
to have laid in great stores at Tripassore, the siege of
that place was undertaken, in hopes to supply the
army for the siege of Arcot. But Tripassore, though
it surrendered after a few days' resistance, was found
to contain a small supply of provisions, and the ad-
vanced parties of Hyder's army, who was in full
march to its relief, appeared in sight, before the
English troops had taken full possession of the works
Hyder fell back a few miles to what he reckoned a
lucky spot, a strong position on the very ground
where he had defeated Baillie And the English
General, eager for another battle, which might relieve
him from his difficulties, came in sight of the enemy
about eight o'clock on the morning of the 27th.
The position of Hyder gave him great advantages,
while his guns bore upon the approaching army, and
the advance was rendered peculiarly difficult by a
number of water-courses cutting the ground The
second line of the English army, consisting of two

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brigades, were directed to occupy a situation of some strength on the left, while the first line, consisting of three brigades, formed in face of six or eight cannon, which they were commanded to storm. No sooner had they pushed through some intervening under-wood than they found the guns removed from the front, and beginning to fire upon both their flanks while at the same instant a tremendous cannonade opened on the second line. Sir Hector Munro who commanded the first line was ordered to join the second, which could hardly maintain its ground. The two lines having closed and presenting the same front, were commanded to advance on the enemy's artillery. The intervening ground was not only difficult but impracticable where the army stood, some protection was derived from a long avenue of trees. This was observed by the whole line and Sir Hector Munro pointed it out to the General. "You talk to me, Sir, when you should be doing your duty." The army accordingly advanced the men began to drop very fast and grew impatient. A tumbril blew up, the second in the course of the day. At an impassable difficulty, the army came to a stand and impatiently waited for orders. None arrived. Sir Hector Munro, seated sullenly by the only tree that was in the plain refused to issue a single command. The battalions opening for the purpose of giving way to the enemy's shot, had fallen into clutters, and become noisy. The second line broke into great confusion. Two hours did the army remain in this perilous situation in which had they been vigorously charged by the enemy's cavalry they could scarcely have avoided a total defeat. It is probable that Hyder's experience had rendered it difficult for him to conceive that the English were in a state of confusion. Night advancing he ordered his guns to be drawn off and the English returned

to the strong ground which the second line originally occupied. A conference was held among the principal officers, when the impossibility of remaining, and the danger of advancing, being apparent to all, one gentleman, in expressing his sentiments made use of the word *retreat*. The General immediately swore, he had never *retreated* in his life. He added, that he would permit the army to *fall back*. Spies came in with intelligence that Hyder was preparing to attack the English army between midnight and break of day. The troops in consequence were ordered to pass the night under arms in front of the camp. The report was false, artfully given out by Hyder, to cover his intention of removing in the night, to a place more secure from surprise. The next day the English buried their dead, and collected the wounded, when, being masters of the field of battle, they fired the guns in token of victory. They now marched back to Tiipassore; when Hyder, calling the march a *retreat*, proclaimed a victory, with all the pomp of war, to the nations of India.

The English suffered considerably more in this than in the previous action, and the enemy less. Of the privates not less than 600 were lost to the service. Several officers of distinction were wounded, and some were killed.

Affairs were now in great extremity. The moment seemed approaching when the army would be constrained to quit the field for want of provisions. Madras itself was threatened with famine. The fort of Velore was so exhausted of provisions, that it could not hold out beyond a short time longer, and the fate of Carnatic in a great measure depended on the fort of Velore. The greatest exertions were made to enable the army to march to its relief. Madras was for that purpose actually exhausted of the means of subsistence. The enemy were encamped at

BOOK \ the pass of Sholingur on the road to Velore to which
 CHAP 5 the English came up on the 27th of September A
 1781 strong body was detached, in order to occupy a rising
 ground to the left of the enemy's encampment, while
 the main army advanced in a single line upon their
 front. Hyder from his former experience had con-
 cluded that Sir Eyre Coote would keep the whole of
 his troops together and had only provided against a
 direct movement on his line His good sense made
 him resolve not to change the disposition of his rude
 and unwieldy mass in the face of an enemy and his
 only effort was to draw it out of the field He en-
 deavoured to alarm the detached portion of the Eng-
 lish army with a feint while, after a short firing his
 guns were hurried off His horse during these ope-
 rations stood the fire of the English cannon and
 suffered severely Before he could extricate himself
 and before night came to his aid he had sustained a
 considerable loss, with the power of inflicting only a
 trifling injury in return

The English were in no condition to press upon
 the foe In the minor operations which succeeded
 as in the whole course of the war one of the most
 remarkable circumstances was the extraordinary
 promptitude and correctness of Hyder's intelligence
 who had notice of almost every attempt even to sur-
 prise the smallest convoy and in this important re-
 spect the no less remarkable deficiency of the Eng-
 lish On the 26th of October the General removed
 his camp to the neighbourhood of Palipett where he
 obtained a quantity of rice With this he afforded
 Velore a temporary supply and was even encouraged
 to undertake the siege of Chittore That place not
 being provided for defence capitulated in two days
 while Hyder obliged to humour his army was un-
 able to obstruct these operations The month of
 November was now arrived, and every thing an

nounced the falling of the monsoon floods, when the rising of the rivers, and the softening of the roads, would make the return of the English army extremely difficult, so far, too, from being supplied with subsistence, the army continued in a state of want, yet the General lingered where he was, apparently absorbed in his own chagrin. He was summoned from his reveries about the middle of the month, by intelligence of an attack upon Palpett and Tripasore. The rains fell upon him during his march. In the space of a few days the roads became so deep, that one elephant, three camels, a great number of bullocks, carriages, and horses, were left inextricably entangled in the mud. And the Polar was just fordable when he passed it on the 21st. On his approach, however, the enemy abandoned both Palpett and Tripasore: And after encamping a few days on the Cocalore plain, above Tripasore, he placed the troops in cantonments, having lost one third of the force with which, after his junction with Colonel Pearce, he marched in August from the Mount¹

At the Presidency, changes of more than ordinary importance had taken place during this campaign

¹ For the materials of this war with Hyder, up to the present date, the most important sources are the First, Second, Third, and Sixth Reports of the Committee of Secrecy, in 1781. Of the military transactions, narratives of considerable value are to be found in the Annual Register, Robson's Life of Hyder Ali, and the publication entitled, Memoirs of the late War in Asia. For part of this campaign, see also Barrow's Life of Lord Macartney. To the pages of Colonel Wilks, I can now only refer, not having had the opportunity of availing myself of his lights, till what I had written could not be conveniently altered. Where my facts stand upon the authority of public records, I conceive, in the few instances in which we differ, that I approximate to the truth more nearly than he. To my other authorities I should have preferred him, though it is a grievous defect, that he so rarely tells us the source from which he derives his information, and though I repose no great confidence in the vague censures, and still more vague eulogies, in which he has indulged

BOOK 1 The state of affairs in Carnatic having greatly alarmed
 CHAP 5 the Company in England, misfortune pointed re-
 1781 sementment against the men under whose superinten-
 dence it had arrived, and, according to the usual pro-
 cess of shallow thought, a change of rulers, it was
 concluded, would produce a change of results. So
 much of misconduct having been imputed to the ser-
 vants of the Company a party appeared to be form-
 ing itself, even among the Directors and Proprietors,
 who called for an extension of the field of choice
 and represented it as rather an advantage that the
 chief governors in India should not be selected from
 the servants of the Company. It necessarily followed
 that a party arose who contended with equal zeal that
 by the Company's servants the stations of greatest
 power and trust in India ought exclusively to be filled.
 At a Court of Proprietors held on the 30th of No-
 vember 1780 Mr Jushington moved "That it be
 recommended to the Court of Directors to appoint
 forthwith a Governor of Madras and that it be
 earnestly recommended to them to appoint one of
 their own servants to fill that vacancy." It was on
 the other hand contended, that the *fittest* man not a
 man of any particular class or order ought always to
 be sought for the places on which the interests of the
 community principally depended and that integrity
 unbroken by the example of plunder and corruption
 a character to lose and consequently one to save, by
 shunning the offences of former governors were to
 be considered as the fittest qualifications in their new
 Governor of Madras. The Court adjourned without
 proceeding to a ballot but on the 23d of the same
 month the question was renewed. Lord Macartney
 who had recently gained reputation by negotiating a
 commercial treaty with Russia was pointed out to the
 choice of the Company the advantages of a liberal

education, of political experience, acknowledged talents and honour, were placed in the strongest point of view by the one party; the benefits of local knowledge, and of the motives to zeal, to industry, fidelity, and the acquisition of knowledge, afforded to the whole line of the Company's servants by the high prizes of the principal stations in the government of India, were amply displayed by the opposite party: And, on a division, it was decided by a majority of seventy-nine to sixty that new men should be eligible to the office of governors in India. The Court of Directors were guided by similar views, and on the 14th of December Lord Macartney was nominated Governor and President of Fort St George. After a passage of four months, he landed at Madras on the 22d of June, 1781, and then first obtained intelligence that the country was invaded.

He came to his office, when it, undoubtedly, was filled with difficulties of an extraordinary kind. The presence of a new Governor, and of a Governor of a new description, as change itself, under pain, is counted a good, raised in some degree the spirits of the people. By advantage of the hopes which were thus inspired, he was enabled to borrow considerable sums of money. Having carried out intelligence of the war with the Dutch, and particular instructions to make acquisition of such of their settlements as were placed within his reach, he was eager to signalize his arrival by the performance of conquests, which acquired an air of importance, from the use, as sea-ports, of which they might prove, to Hyder, or the French. Within a week of his arrival, Sadras was summoned and yielded without resistance. Pulicat was a place of greater strength, with a corps in its neighbourhood of Hyder's army. The garrison of Fort St George was so extremely reduced, as to be

BOOK V ill prepared to afford a detachment But Lord Ma-
 CHAP 5 cartney placed himself at the head of the militia and
 1781 Pulicat, on condition of security to private property,
 was induced to surrender

Of the annunciation which was usually made to the Princes of India, of the arrival of a new Governor, Lord Macartney conceived that advantage might be taken, aided by the recent battle of Porto Novo and the expectation of troops from Europe, to obtain the attention of Hyder to an offer of peace With the concurrence of the General and Admiral, an overture was transmitted, to which the following answer was returned characteristic at once of the country and the man "The Governors and Sirdars who enter into treaties, after one or two years return to Europe, and their acts and deeds become of no effect and fresh Governors and Sirdars introduce new conversations Prior to your coming when the Governor and Council of Madras had departed from their treaty of alliance and friendship, I sent my vakeel to confer with them, and to ask the reason for such breach of faith the answer given was that they who made these conditions were gone to Europe You write that you have come with the sanction of the King and Company to settle all matters which gives me great happiness You Sir are a man of wisdom and comprehend all things Whatever you may judge proper and best that you will do You mention that troops have arrived and are daily arriving from Europe of this I have not a doubt I depend upon the favour of God for my succours" Nor was it with Hyder alone that the new Governor interposed his good offices for the attainment of peace A letter signed by him by Sir Edward Hughes and Sir Eyre Coote the commanders of the sea and land forces and by Mr Macpherson a Member of the Supreme

Council, was addressed to the Mahrattas, in which they offered themselves as guarantees of any treaty of peace which might be contracted between them and the Governor-General and Council of Bengal; and declared their willingness to accede to the restoration of Guzerat, Salsette, and Bassein.

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The principal settlement of the Dutch on the Coromandel coast was Negapatnam, near the southern boundary of Tanjore. This, Lord Macartney was desirous of adding to the rest of the conquests from the Dutch immediately after his arrival, but was over-ruled by the opinion of the Commander-in-Chief, who represented the importance of recovering Arcot, in the first instance, and of marching afterwards to the attack of Negapatnam. The President was eager to avail himself of the assistance of the fleet and marines, in his design against Negapatnam; assistance without which the object could hardly be accomplished, and which could only be obtained while the season permitted shipping to remain upon the coast. Though the General had been disappointed in his hopes of being able to attempt the recovery of Arcot, he continued in the north-western part of the province, apparently disposed neither to march to the attack of Negapatnam, nor to spare for that enterprise any portion of his troops. To Lord Macartney the attainment of the object did not appear to be hopeless without him. The intimation, however, of a design to make the attempt brought back from the General an eager renunciation of all responsibility in the exploit, a pretty confident prediction of disappointment, and from disappointment, of consequences deplorable and ruinous. The President declared that, convinced as he was of the propriety and hence obligation of the enterprise, he would not shrink from the responsibility. To avoid interference with the

BOOK V General not a man was taken from his army Co
 CHAP 5 lonel Brathwaite, who commanded in Tanjore and
 1781 in whom the President complained that he found not
 all the alacrity which could have been desired, was
 directed with his troops to aid in the attack. The
 choice of a leader, too was involved in difficulties.
 After the affront received by Sir Hector Munro in
 the battle of the 27th of August, he retired as soon
 as possible from the army commanded by General
 Coote, under whom he served not again, and re-
 mained at the Presidency recruiting his health. It
 was to him that, in etiquette, the command of the
 expedition belonged but Mr Sadlier, with whom
 he had the violent dispute was now a member of the
 Select Committee and he refused to serve under
 orders or directions in which that gentleman should
 have any concern. The scruples of the General met
 a contrast in the liberality of the Committee who
 readily consented, that he should receive his
 instructions from the President alone and the
 President with the Admiral of the Fleet was em-
 powered to form whatever arrangements the enter-
 prise should require. On the 21st of October the
 seamen and marines were landed from the ships on
 the 30th the lines and redoubts were attacked and
 carried on the 3d of November ground was opened
 against the north face of the fort and the approaches
 were pushed on with great rapidity the *Corcador*
 was summoned on the 6th after a battery of ten
 eighteen pounders was ready to open within three
 hundred paces of the walls he refused to surrender
 but on the 12th after making two desperate sallies
 and after one of the bastions had suffered from a for-
 midable breaching battery he offered to accept and
 received terms of honourable capitulation. The
 amount of troops who surrendered was 6,551 con-

siderably greater than that of the besieging army. A large quantity of warlike stores, together with a double investment of goods, no ships having arrived from Holland for the investment of that or the preceding year, was found in the place. With Negapatnam the whole of the Dutch settlements on that coast fell into the hands of the English; and the troops of Hyder began immediately to evacuate the forts which they had occupied in the kingdom of Tanjore. A body of 500 men were put on board the fleet, which sailed from Negapatnam on the 2d of January, and proceeded to the attack of Trincomalee, a celebrated Dutch settlement on the island of Ceylon. It arrived before the place on the 4th, and on the 11th the best of the two forts which defended Trincomalee was taken by storm ¹.

The deplorable indigence of the Presidency; the feebleness of military operations unsupported by funds, the power of the enemy, and the diminished prospect of supplies from Bengal, presented to the eyes of Lord Macartney a scene of difficulties, from which it was hardly possible to discover any source of relief. Participating in the general aversion to believe that the Nabob was no less exhausted than the Company, and representing to that chief how great the interest which he, no less than the Company, had, in the expulsion of so dangerous a common foe, the President, at an early period of his administration, renewed the importunities of the government on the subject of a pecuniary supply. The Bengal government, by their letters, had already given a sanction to strong measures of coercion; declaring that, while every part of the Nabob's dominions, except the part retained by the English troops,

¹ Some Account of the Public Life of the Earl of Macartney, by John Barrow, F R. S. 1 67—109, Annual Register for 1782.

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was in the hands of a foreign power, and could only be wrested from it by their exertions, the Nabob could no longer be looked upon as the proprietor of the country and that such a combination of circumstances not only justified, but required the immediate assignment of all his revenues, to defray the expenses of the war¹ The President, expressing his desire to avoid this extremity offered to accept a few lacs of pagodas as a temporary supply This pressure upon the inability of the Nabob drew from him language of asperity and recrimination and when importunately urged, he at last declared, that his future contributions were defined by a treaty which he had just concluded with the government of Bengal The declaration, though it justly surprised the President and Council of Madras was not at variance with the fact The Nabob, who had tried the effect of an agency in England both on the legislative and executive branches of the government, was advised to make trial of the same expedient on the Controlling Board in India and in March 1781, he sent on a commission to Calcutta, his duan or treasurer, together with Mr Joseph Sullivan, a servant of the Company, whom, without the consent of the Presidency, he had appointed his agent The object of the Nabob was to obtain—a clear recognition of his being the hereditary sovereign of the Carnatic, not subject to any interference on the part of the Company in the affairs of his government a promise of exemption from all pecuniary demands, beyond the expense of ten battalions of troops, to be employed in his service an admission of his right to name his successor in pursuance of his wish to disinherit his eldest in favour of his second son a promise to add

by conquest, certain districts possessed by Hyder to his dominions, and to restore to him the kingdom of Tanjore; and, finally, the assistance of the Company, in forming a settlement with his European creditors.

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To this embassy the rulers of Bengal afforded a cordial reception. For the independence of the government of the Carnatic Prince, they undertook, in general terms, His requisition, respecting the ten battalions and the limit of his pecuniary contributions, was approved: His right to appoint his successor they recognised as already admitted. The conquest of certain districts possessed by Hyder, they declared to be as desirable on account of the Company's as of the Nabob's interest. The restoration of Tanjore they informed him was not placed within the limits of their authority: With regard to his European creditors, they proposed, that after the addition to the principal sum of all interest due to the 21st of November, 1781, and after a deduction of one-fourth from all the debts which might have been transferred from the original creditors by purchase or otherwise, Company's bonds with the usual interest should be granted, and paid, according to a proportion which might be fixed, out of the assigned revenues: And upon these conditions it was proposed, but not without his own consent, that the Nabob should make over all the revenues of his country, during the war, to the Company; that his agents, in conjunction with persons appointed by the Presidency of Fort St. George, should perform the collections; and that as much only should be retained by the Nabob as was necessary for the disbursements of his family and government. Not only was this agreement transmitted to Madras, with instructions to consider it as possessing the validity of a treaty, but Mr Sullivan

BOOK V returned with credentials, as minister from the Gover-
 CHAP 5. nor General and Council of Bengal at the Court of
 1782 the Nabob

Nothing is more pregnant with mischief than ill worded and indefinite laws and the best legislatures have as yet displayed but little of the art of rendering the language of their enactments unambiguous and certain. We have already contemplated the disputes with the Presidency of Bombay, occasioned by the loose and imperfect phraseology of the law which conferred the power of control upon the Presidency of Bengal. In that instance the Supreme Council were even rebuked by their masters for carrying their pretensions beyond the intent of the Company, and that of the law but on the present occasion they pushed their interference into the most immediate and important concerns of the Madras government inveigled from their service and obedience the servants of that Presidency and set up an agency of their own at Madras, which implied the suppression of the chief powers of the Governor and Council. Though the character of Lord Macartney was tinged with vanity as well as ambition, he possessed great temper and urbanity and the Governor and Council of Madras instead of treating this new assumption of power on the part of the Bengal government as an injury expressed only their apprehensions that they were not free to divest themselves of powers with which their employers had intrusted them and for the exercise of which they would hold them responsible. They remarked that they were therefore at liberty to consider the scheme of arrangements which had been transmitted to them by the Supreme Board as only materials to aid not as commands to supersede their judgment. The words, they observed, in which the Supreme Council had appeared to sanction

the independence of the Nabob, an independence which they had received the express and repeated commands of their employers to prevent, were so adroitly ambiguous, as in fact to evade the question, and were inconvenient only in so far as they tended to inflame the pretensions of that troublesome associate but as, in the government of the country, there were certain departments in which it was assumed as necessary that the Company's government should take a share, and yet those departments and that share remained totally undefined, the vagueness and ambiguity of the words of the Supreme Board left the Madras Presidency, if bound to obey, without any rule to guide their proceedings The article which regarded the ten battalions of troops appeared, they said, to them, to convey a power over their marches and operations, which the Court of Directors had ever been most anxious to withhold The Nabob had requested the power of employing these troops in settling his country The answer of the Presidency is worthy of record "We wish to know what is meant by this article, before we form any judgment of its propriety. We know not how troops can be properly said to contribute to the settlement of a country. If it be meant that he should have the Company's forces to enable him to punish or extirpate any of his tributaries, and if it be proper to lend our forces for such a purpose, should we not plainly say so, without reserve or ambiguity?" If the Nabob was to have the troops, in all cases, upon his simple requisition, "he might soon," they add, "require, what he has hitherto in vain solicited from the Court of Directors, the means of attacking, contrary to their express commands, the principal tributary Rajahs who claim and depend upon the protection both of the crown and the Company." If he was only to

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BOOK V be assisted in those cases which the President and
 CHAP 5 Council should approve, the clause, though void of
 1782 meaning, was not exempt from mischief, as it tended to raise "a claim, which, being undefined, would be measured only by the wishes of the claimant" The right of the Nabob to nominate his successor, or to infringe the rule of primogeniture, they declined to discuss but affirmed their total ignorance of any such admission of that right as the Governor General and Council appeared to assume. That the mode which was proposed for collecting the revenues by the agents of the Nabob and of the Company in conjunction, was calculated to produce altercations between the different parties, and to afford the agents of the Nabob a pretence for defalcations alleging obstructions from the Company's servants experience they said, most fully evinced. Whether the defect proceeded from the want of intention on the part of the Nabob or from his inability to ensure the obedience of his collectors it had through them been found impossible to obtain the revenues With regard to the arrangements in behalf of the creditors of the Nabob, they were unwilling to wear the appearance of opposing either the will of the superior Board or the interest of the creditors but they professed themselves ignorant whether the creditors would regard the arrangement as advantageous, or the Directors would be pleased to find the Company pledged for bonds to so great an amount

On the point however of the assignment the situation of affairs and the sanction of the Bengal government, appeared to the President and Council sufficient authority for urging the Nabob forcibly to concur with their views With much negotiation it was at last arranged that the revenues of all the dominions of the Nabob should be transferred to the

Company for a period of five years at least ; that of the proceeds one sixth part should be reserved for the private expences of himself and his family, the remainder being placed to his account , that the collectors should all be appointed by the President ; and that the Nabob should not interfere. By this deed, which bore date the 2d of December, 1781, the inconveniences of a double government, which by its very nature engendered discordance, negligence, rapacity, and profusion, were so far got rid of , though yet the misery and weakness to which they had contributed could not immediately be removed

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It was not one spring alone of dissension which distracted the government of Madras. The species of independent authority which had been conferred upon the General produced many of the evils of a double government in the Presidency itself. The General had a susceptibility of temper, which, heightened by the infirmities of old age, by flattery, by the difficulties of his situation, and his want of success, made him take offence with the levity and hastiness of a child. The civil authority, deprived, in a period of war, of all share in the military arrangements, found the business of government withdrawn from their hands, and themselves degraded into a capacity little superior to that of agents for supplying the wants of the army. The visible loss of authority, by weakening their influence, diminished their resources; and persons were even discouraged from relieving them by loans. A situation like this was ill calculated to please a man of Lord Macartney's rank and pretensions. Aware of the uneasiness which it was probable he would feel, it was natural for the General to view him with suspicion from the moment when he arrived. The mutual desire to save appearances preserved an uninterrupted intercourse of civi-

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lities, till Lord Macartney discovered his design of attempting the conquest of Negapatnam against the advice and without the co-operation of the General. From that moment the General gave way to his spirit of dissatisfaction and complaint; refused to attend the consultations of the Select Committee; quarrelled with every measure that was proposed; and even wrote to the Governor General and Council that he suffered from interference with his authority; and, unless he were vested with power totally independent, that he would resign the command. Beside the loss of their authority, and the diminution of their power over even the sources of supply, the civil authorities lamented, that they possessed no control over the expenditure of the army, and that, from the total disregard of economy, in which, notwithstanding the ruinous poverty of the government, the General indulged, that expenditure was enormously great. It nevertheless appears, that Lord Macartney, aware of the importance not only of united efforts, but of the name and influence of Coote, entertained not an idea of withdrawing from him any portion of that authority with which he had been entrusted; and strove to preserve his good humour by studied forbearance and courtesy.¹

The army had not been many days in cantonment where they expected to repose during the remainder

of the monsoon, when the fall of Chitore was announced at Madras, and intelligence was received, that for want of provisions Velore would not be able to hold out beyond the 11th of January. No exertion was to be spared for the preservation of this important place. The treasury was drained to the last pagoda, to afford some pay to the army, which was deeply in arrear. But the exorbitant demands for equipment and conveyance were the principal source of difficulty and alarm. To carry the necessaries of thirty-five days for twelve or fourteen thousand fighting men, the estimate of the Quarter-Master was 35,000 bullocks. Not to speak of the money wanted for the purchase, so great a number could not be procured, nor was it easy to conceive how protection could be afforded from Hyder's horse to a line of so many miles as the march of 35,000 bullocks would of necessity form. The number of bullocks now in store was 8,000. With these and 3,000 coolies, or porters, whom he could press, it appeared to the President that the army might convey what was absolutely necessary, and the urgency of the case made the General disposed to wave his usual objections. Though with broken health, he joined the army on the 2d of January, but on the 5th he suffered a violent apoplectic attack, and the army halted at Tripasore. On the following day, he was so far revived as to insist upon accompanying the army, which he ordered to march. They were within sight of Velore on the 10th, and dragging their guns through a morass, which Hyder had suddenly formed by letting out the waters of a tank, when his army was seen advancing on the rear. Before the enemy arrived, the English had crossed the morass, when Hyder contented himself with a distant cannonade, and next day the supply was conducted safely to Velore. As

BOOK V the army was returning, Hyder, on the 13th, again
 CHAP 5. presented himself on the opposite side of the morass
 1782 but withdrew after a distant cannonade. On the
 evening of the 15th, the enemy's camp was seen at a
 distance and a variety of movements took place on
 both sides on the following day. After mutual chal-
 lenges however, and a discharge of artillery, the con-
 tenders separated, and the English pursued their
 march to the Mount. The General expressed a de-
 sire of making a voyage to Bengal for the benefit of
 his health but allowed himself to be persuaded to
 alter his design.¹

After the capture of Mahé, the Madras detach-
 ment remained at Tellicherry besieged by Hyder's
 tributary Nairs. Early in May, 1781 being urgently
 demanded for the defence of Carnatic, the detach-
 ment was relieved by Major Abington, who arrived
 with a force from Bombay. One of Hyder's principal
 generals, with a detachment from his army which
 greatly outnumbered the garrison now carried on a
 vigorous attack. The utmost efforts of the besieged
 were incessantly demanded to counteract the opera-
 tions of the enemy and the commander was under
 the necessity of applying to Bombay both for provi-
 sions and troops. The answer declared the inability
 of the Presidency to make any further provision for
 the defence of Tellicherry and the resolution to which
 they had been reluctantly brought of giving it up.
 His military notions of disgrace and the still more
 important considerations of the cruel sacrifice which
 would thus be made of the lives and fortunes of the
 people in the place as well as the doubtful possibility
 of withdrawing the troops, induced Major Abington

¹ *Barrow's Life of Lord Macartney*, i. 169-177; *Walpole's History*, i.
 4, table, ch. xxi; *Macartney's Memoirs*, i. 231-234.

to conceal the contents of the letter, and to remit a strong remonstrance against the orders which he had received. It produced the desired effect, and a packet was immediately dispatched from Bombay to assure him of speedy support. The arrival of his reinforcements determined this enterprising officer no longer to confine himself to operations of defence. Every thing being prepared for a sally, upon the signal of the clock striking twelve, the troops got under arms, on the night of the 7th of January, and at one in profound silence began to march. After passing a deep morass, and escaping the notice of the enemy's picquets, they stormed an advanced battery at break of day, and forming the line moved rapidly towards the camp, when the enemy fled in the utmost confusion, and their leader was wounded and taken. Master now of the surrounding country, Major Abington turned his thoughts to the re-establishment, in their respective districts, of the various chiefs whom Hyder had either rendered tributary or compelled to fly. Having, after this, demolished the enemy's works, and improved the defences of the settlement, he marched towards Calicut. On the 12th of February he took post within two hundred yards of the walls; and the next day, a shell having fortunately blown up a part of the grand magazine, the garrison, exposed to an assault, immediately surrendered.

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The hostilities of the French and English Governments, not contented with Europe and America as a field, at last invaded the two remaining quarters of the globe. A squadron of five ships of the line and some frigates, under the conduct of M. de Suffrein, together with a body of land forces, was prepared at Brest in the beginning of 1781; and sailed in company with the grand fleet bound to the West Indies under Count de Grasse in the latter end of March.

BOOK V About the same period a secret expedition, with
 CHAP 5 which for some time rumour had been busy was
 1782 prepared in England. The state of the Spanish colonies in South America, and the rich prizes which they appeared to contain had pointed them out as the destined object to the public eye. But the war with Holland and the importance of the conflict now raging in India, communicated a different direction to the views of ministers and the acquisition of the Cape of Good Hope, with the effectual support of the war in India became the ends, for the accomplishment of which the enterprise was planned. One ship of seventy four guns, one of sixty four, three of fifty, several frigates, a bomb vessel, a fire-ship and some sloops of war, composed the squadron of which Commodore Johnstone, with a reputation for decision and boldness, received the command. A land force, consisting of three new regiments of 1 000 men each, was placed under the conduct of General Meadows, who had purchased fame in the action at St Lucia with d'Estaing. On the 13th of March, in company with the grand fleet destined for the relief of Gibraltar the armament sailed from St Helena and including several outward bound East Indiamen with store vessels and transports, amounted to upwards of forty sail. The secret however of this expedition had not been so vigilantly guarded as to escape the sagacity of the Dutch and the French. The armament under Suffrein was ultimately destined to reinforce the squadron now at the Isle of France and to oppose the English fleet in the Indian seas. But the particular instructions of that officer were in the first instance to follow, and counteract the expedition of Johnstone and above all his design upon the Cape of Good Hope. For the sake of water and fresh provisions the English squadron put into Praya Bay in St

Jago, one of the Cape de Verd Islands, and having no expectation of an enemy, cast their anchors as chance or convenience directed. A considerable proportion both of men and of officers, partly for business, partly for pleasure, were permitted to go on shore, and the decks were speedily crowded with water casks, live stock, and other incumbrances. On the 16th of April, after nine o'clock in the morning, a strange fleet, suspected to be French, was seen coming round the eastern point of the harbour; and Suffrein, separating from the convoy with his five sail of the line, soon penetrated to the centre of the English fleet. The utmost dispatch was employed in getting the men and officers on board, and preparing the ships for action. The French ship, the Hannibal, of seventy-four guns, led the van, and coming as close to the English ships as she was able, dropped her anchors with a resolution which excited a burst of applause from the British tars. She was followed by the ship of Suffrein, of equal force. Another of sixty-four guns anchored at her stern. And the two other ships, of sixty-four guns each, ranged through the fleet, firing on either side as they proceeded along.¹ The ships being extremely near, and the guns being played with unusual fury, much destruction was effected in a little time. After the abatement of the first surprise, several of the Indiamen brought their guns to bear upon the enemy with good effect. Within an hour, the French ships at anchor had suffered so terribly, that the last of the three, having lost her captain, cut her cables and began to withdraw. Thus deserted a-stern, and despairing of success, Suffrein followed her example and gave the signal to retreat.

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¹ That Port Praya, belonging to the Portuguese, was a neutral harbour but little affected the delicacy of the French, though the English observed the punctilio of reserving their fire till attacked.

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The Hannibal alone remained, a mark to every ship the guns of which could be made to bear upon her and displayed a resolution, which may be compared with the noblest examples of naval heroism. She had lost her foremast and bowsprit her cable was either cut or shot away in the effort of hoisting more sail to get out of the fire, her main and mizen masts went overboard, and she remained as it were a hulk upon the water. Sustaining the weight of a dreadful fire, to which enfeebled as she was her returns were slow and ineffectual, she yet joined the rest of the ships at the mouth of the bay and being towed off, erected jury masts and proceeded with the fleet. An attempt on the part of the English to pursue was totally ineffectual. They sustained not any considerable loss, notwithstanding the closeness of the action and the crowded situation of the ships. Their own steady and determined bravery counteracted the effects of surprise and baffled the well concerted scheme of the enemy. They remained to refit and provide till the 2d of May and on approaching the Cape ascertained that Suffrein had arrived before them. Though previous to the arrival of Suffrein that settlement, then supposed of great importance was not in a condition to have offered any considerable resistance to the land and naval force under Meadows and Johnstone it was now accounted vain to make on it any attempt. While the French fleet lay at anchor in False Bay it appeared not to the Commodore impossible to make prize of a fleet of Dutch East Indiamen in Saldanha Bay. Success depended on being able by surprise and celerity to prevent them from being run ashore and burnt. The end was pretty completely attained as out of five ships four were secured. The Commodore in his own ship, with the prizes and most of the frigates

returned to Europe; the rest, together with the troops, proceeded to India. Suffrein, leaving a sufficient garrison for the protection of the Cape, sailed for the island of Mauritius; where he augmented the French fleet to ten sail of the line, one fifty gun ship, and several frigates. The English on the 2d of September stopped at the island of Joanna, to land and recover the sick, who now amounted to a third part both of the seamen and soldiers. They left the island on the 24th of the same month, were becalmed from the 11th of October to the 5th of November, at 260 leagues distance from Bombay, they were carried, by the shifting of the monsoon, to the coast of Arabia Felix; on the 26th of November anchored in Morabat Bay; on the 6th of December, the principal ships of war, having on board General Meadows and Colonel Fullarton with the chief part of the troops, proceeded in quest of Admiral Hughes; the remaining ships, and transports with part of two regiments, under the command of Colonel Humberston Mackenzie, left Morabat on the 9th, and arrived at Bombay on the 22d of January, 1782.

The Colonel remained only six days at Bombay, when he re-embarked the men, and set sail for Madras. On the 9th of February, at Anjengo, in the dominions of the King of Travancore, alarming intelligence reached him from the Coromandel coast; that Hyder Ali had over-run the whole of Carnatic with an immense army; that he threatened Tanjore, Marawar, Madura, and Tinivelly with destruction; that he had circumvented and cut off two British armies; that dissension, improvidence, and pusillanimity reigned at Madras, and that Fort St. George itself was insulted and endangered. To these statements was added intelligence, that the French fleet were at this time to assemble off Point de Gallé;

BOOK V and that magazines for them had for some time been
 CHAP 5. forming at Columbo and other ports in Ceylon He
 1782 called a Council of War when he came to the deter-
 mination, in consequence chiefly of the intelligence
 respecting the French fleet, rather to attempt a diver-
 sion on the Malabar side of Hyder's dominions, than
 to incur the chances of delay and danger attached to
 the voyage round to Madras He landed his troops
 amounting to scarcely a thousand men, at Calicut,
 on the 18th of February where he joined Major
 Abington, and as senior officer assumed the command
 He immediately took the field proceeded into
 Hyder's territories drove before him the army which
 was left for the protection of those parts and took
 several forts when, the monsoon approaching he
 returned to Calicut and placed his little army in can-
 tonments in the month of May

The French fleet, with a body of land forces, form-
 ing part of the armament which under Bussy was
 destined to restore the influence of the French in India
 left the islands a considerable time after the English
 sailed from Joanna and the Admiral dying on his
 passage the command devolved upon M Suffrein, a
 man of great resource of unwearied enterprise and
 in every respect one of the best naval commanders
 whom France had ever produced The English fleet
 delayed and dispersed by the weather, incurred con-
 siderable danger of a very unseasonable encounter
 and the Hannibal, a fifty gun ship being separated
 from the rest in a haze unexpectedly found herself
 surrounded by the enemy, where after a fruitless
 though gallant resistance she was taken The French
 fleet arrived on the Coromandel coast in the month
 of January, and intercepted several vessels bound to
 Madras with grain Sir Edward Hughes, after
 taking Trincomalee was obliged on the last day of

January to set sail for Madras, being in great want of stores and provisions, his ships much decayed, and his crews diminished and sick. On his arrival at Madras, on the 11th of February, he learned that he had fortunately escaped the French fleet already upon the coast, but still found himself exposed to their attack in an open road with only six ships of the line, out of condition from long service, and almost destitute of supplies. By another fortunate chance, (for had either squadron fallen in with the French, the most fatal consequences might have ensued), the ships which carried General Meadows and his army, consisting of one seventy-four, one sixty-four, and one fifty gun ship, arrived the next day in the road; and within twenty-four hours Suffren, with ten ships of the line, two ships, including the captured Hannibal, of fifty guns, six frigates, eight transports, and six prizes, hove in sight, reconnoitred Madras, and anchored a few miles to windward of the English fleet, which with the utmost diligence was making the necessary preparations for action. Deceived in his probable expectation of finding Sir Edward Hughes with only six sail of the line, not re-inforced, and of signalling his arrival by so decisive a blow as the destruction of the English fleet, he on the 14th passed Madras in line of battle to the southward. The English weighed anchor, and followed. On the 15th in the evening, the fleets passed each other, so near, as to exchange some shots. On the 16th, the English Admiral found an opportunity of making a push at the French convoy separated from the fleet, when he retook five of the vessels which had been captured on the coast, and a large transport laden with provisions, ammunition, and troops. On the 17th, after a variety of movements in which Suffren still kept the weather gage, the two fleets came to action late in the

BOOK. V day, and separated after a short conflict, on the ap-
 CHAP. 5 proach of night, when the French steered to wind
 1782. ward, and the English to Trincomalee

The French Admiral proceeded to Porto Novo and landed 2000 men¹. They were soon joined by a large detachment of Hyder's army, under the command of Tippoo his son, who had just been employed in inflicting upon the English one of the deepest wounds which they had sustained during the war. Colonel Brathwaite, with 100 Europeans, 1500 native troops, and 300 cavalry stationed for the purpose of protecting Tanjore, lay encamped on the banks of the Coleroon, at a distance of forty miles from the capital of that name, exposed indeed on an open plain but apparently secured by the intervention of several large and deep rivers, and the distance of the enemy. His position gave encouragement to Hyder Tippoo, with 10 000 horse, an equal number of infantry twenty pieces of cannon, and M Lally, with his European corps 400 strong surrounded Colonel Brathwaite before he had received even a suspicion of their march. His first endeavour was to reach Tanjore or some other place of safety but the superior force of the enemy rendered this impracticable. The next resolution was to make a brave defence and seldom can the annals of war exhibit a parallel to the firmness and perseverance which he and his little army displayed. From the 16th to the 18th of February, surrounded on all sides by an enemy who outnumbered them twenty to one did they withstand incessant attacks. They formed themselves into a hollow square with the artillery interspersed in the faces and the cavalry in the centre. Tippoo laboured by the fire of his cannon, to produce a breach in some

¹ The number of 11000 de la dernière (p. 27) is a mistake; for it was not more than 10000.

of the lines, and as often as he fancied that he had made an impression, urged on his cavalry, by his presence, by promises, by threats, by stripes, and the slaughter of fugitives with his own hand. Repeatedly they advanced to the charge; as often were they repelled by showers of grape-shot and musketry; when the English cavalry, issuing from the centre, at intervals suddenly made by disciplined troops, pursued their retreat with great execution. After twenty-six hours of incessant conflict, when great numbers of the English army had fallen, and the rest were worn out with wounds and fatigue, Lally, at the head of his 400 Europeans, supported by a large body of infantry, covered on his flanks by cavalry, advanced with fixed bayonets to the attack. At this tremendous appearance, the resolution of the sepoys failed, and they were thrown into confusion. The rage of barbarians was with difficulty restrained by the utmost efforts of a civilized commander. Lally is reported to have dyed his sword in the blood of several of the murderers, before he could draw them off from the carnage. It is remarkable, notwithstanding the dreadful circumstances of this engagement, that out of twenty officers, only one was killed, and eleven wounded. And it is but justice to add, that Tippoo treated his prisoners, especially the officers and wounded men, with real attention and humanity.

The arrival of so important an aid as that of 2000 Frenchmen, augmented to an alarming degree the army of Tippoo. Cuddalore yielded to their united force on the 3d of April, and afforded a convenient station both naval and military for the French. In the mean time Sir Edward Hughes left Trincomalee, having effected the most necessary repairs, and arrived at Madras on the 12th of March. Towards the end of that month, the French Admiral slipped

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from Porto Novo hearing that a fleet of English Indiamen had arrived upon the coast. As soon as his departure was known at Madras, Sir Edward Hughes got under weigh but had not lost sight of the flag staff of the fort, when he fell in with the fleet, of which the French were in quest consisting of seven Indiamen and two line of battle ships having a king's regiment on board. He ordered the men of war to join him, and proceeded to land a reinforcement and stores for the garrison at Trincomalee. His policy was to avoid an engagement till this service was performed. Suffrein on the other hand whose crews were sickly, and his provisions wearing low, was eager to fight. The two fleets came in sight on the 8th of April but the English Admiral held on his course and the French followed during that and the three succeeding days when, having made the coast of Ceylon about fifteen leagues to windward of Trincomalee the English bore away for it during the night. This appears to have been the opportunity for which Suffrein was in wait for having gained the wind of the English squadron he was seen on the morning of the 12th crowding all the sail which he could carry in pursuit while the English were so alarmingly close upon a lee shore that one of the ships actually touched the ground. A severe conflict ensued in which the intrepid resolution of the English again counterbalanced the disadvantages of their situation and the fleets after suffering in nearly an equal degree were parted by the night. So much were both disabled that they lay for seven days within random shot only to prepare themselves to sail and retired the English to Trincomalee the French to the Dutch harbour of Battacolo without on either side attempting to renew the engagement.

The English army who had now been some

months in cantonments, took the field on the 17th of April. The object first in contemplation was to relieve Permacoil; but on arriving at Carangoly, the General found it already surrendered. On the 24th the army encamped near Wandewash, on the very spot on which Sir Eyre Coote defeated the French General Lally in 1760. The general orders boasted of the victory, and a double batta was issued to the troops; but on the next day, on account of water, the position was shifted to the other side of the fort Hyder and his French auxiliaries lay encamped on a strong post, on the red hills near Permacoil, from which, on the approach of the English, they removed to another in the neighbourhood of Kellinoor. As the magazines of Hyder were deposited in the strong fort of Arnee, Sir Eyre concluded that a march upon that place would draw the enemy to its assistance, and afford the opportunity of a battle. He encamped on the 1st of June within three miles of the place; and Hyder, passing over a space of forty-three miles in two days, took up his head-quarters at Chittapet, on the evening of the same day. Before the dawn of the following morning, the English army were in motion toward Arnee, but with the first of the light, a heavy cannonade was opened on their rear. The troops came twice to the right about, and the baggage was brought twice through the files, before it was possible to discover whence the firing proceeded. A Council, which was called, and deliberated in great uncertainty, agreed in opinion, that an attack was to be expected on the rear, and the army was immediately drawn up to receive it. The enemy's horse, in the mean time, occupied the circumjacent grounds, more elevated than the low spot which was occupied by the English, and considerably galled them, while Hyder, dexterously detaching a division of his army

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under Tippoo, carried off the treasure from Arnee, gave instructions to the commandant, and reinforced the garrison. Having accomplished his object, he retired as the English advanced and one of his guns and a tumbril which stuck in the bed of the river were the only trophies of the day. Deeming it vain to attempt the reduction of Arnee, the English on the 7th were considerably advanced on their march back to Madras, when a regiment of European cavalry, which Sir Eyre Coote called his grand guard, were drawn into an ambuscade, and either killed or taken prisoners. After attempting without success to lead the enemy into a similar snare near Wandewash, on the 9th, the General proceeded on his march, and on the 20th arrived at Madras.

On the 29th of that month by a letter from the Governor General to Lord Macartney, the conclusion of peace with the Mahrattas was announced at Madras. Sir Eyre Coote, as solely invested with the power of war and peace, of his own authority, and without consulting the Governor and Council of Madras, proposed to Hyder, or rather summoned him, to accede to the treaty concluded between the English and the Mahrattas, to restore all the forts which he had taken, and within six months to evacuate Carnatic otherwise the arms of the Mahrattas would be joined to those of the English in order to chastise him. Lord Macartney alarmed at so daring an assumption of the whole power of the Presidency is accused of having diverted the mind of Hyder from peace by teaching him to doubt the validity of any agreement with the General, in which the Governor and Council had not a part.¹ But Hyder too well knew the politics of India to receive great addi-

¹ Mr. Coote's letter to Lord Macartney, 1782, which has been used as an authority for the above account of the negotiations.

tion to his apprehensions from the threats of the General; and was too well acquainted with the intrigues of Madras to receive new lights from the communication, even if it had been made, which was thus imputed to Lord Macartney. To retain the negotiation more completely independent of the civil authority, the General moved from Madras, on the 1st of July, and lessened his distance from Hyder. Sir Eyre was a most unequal match for the Mysorean, in the arts of diplomacy, and allowed himself to be duped. Hyder amused him in the neighbourhood of Wandewash, till the army had wholly consumed not only their own rice, but also that of the garrison; and till he had completely arranged with the French Admiral a plan of combined operations for the reduction of Negapatnam. He then demanded a little time for deliberation, and, suddenly, withdrawing his vakeel, left the General in total darkness with regard to his designs.

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Sir Eyre Coote was obliged to return to Madras; and good fortune alone defeated the train which was laid for the reduction of Negapatnam. Suffrein, in sailing to Negapatnam, was descried by the English fleet, and in spite of every attempt to gain the road without fighting, was by the skilful movements of the Admiral constrained to venture a battle. After refitting at Ceylon, both fleets had returned to the coast about the end of June, the French to the port of Cuddalore, the English to that of Negapatnam. Weighing anchor about three in the afternoon on the 3d of July, the English Admiral steered in a southerly direction in order to gain the wind of the enemy, and about 11 o'clock on the following day the action commenced. It was close, warm, and general. After an hour and a half, during which the fire had been equally well maintained on both sides, the

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1782. French line appeared to be getting into disorder and the English began to cheer themselves with the hopes of a speedy and glorious victory when a sudden alteration in the wind disturbed their order of battle, afforded an opportunity to Suffren of which he dexterously availed himself, to form a line with those ships which had suffered the least, for covering the disabled part of his fleet, and induced the English Admiral to collect his scattered ships. At the approach of evening he cast anchor between Negapatnam and Nagore.¹ The French, having passed the night about three leagues to leeward, proceeded the next morning to Cuddalore and the English fleet though it saw them, was too much disabled to pursue. The English Admiral after remaining a fortnight at Negapatnam arrived at Madras on the 20th in order to refit. In the mean time Suffren had proceeded with characteristic activity, a quality in which he was never surpassed, in preparing his fleet for sea at Cuddalore. He was a man, that when the exigency required would work for days like a ship's carpenter, in his shirt. He visited the houses and buildings at Cuddalore and for want of other timber, had the beams which suited his purpose taken out. To some of his officers who represented to him the shattered condition of his ships the alarming deficiency of his stores the impossibility of supplying his wants in a desolated part of India and the necessity of repairing to the islands to refit the whole value he replied of the ships was trivial in comparison with the object which he was commissioned to attain and the ocean should be his harbour till he found a place in India to repair them. On

¹ It is said that two of the French ships of the line were struck during the action but that Suffren fired at them and they were set on fire and in consequence were destroyed.

the 5th of August, the Governor of Fort St George was informed, that the French fleet was already not only prepared for sea, but had actually sailed to the southward on the 1st of the month, that the first division of the French reinforcements expected from Europe was actually arrived at Point de Galle; and that the second, with Bussy himself, was daily expected. Greatly alarmed for the fate of Trincomalee, and even of Negapatam, the President and Committee deemed it requisite to quicken the preparations of the Admiral, whose activity equalled not his courage and seamanship, by a letter, in which they drew his attention to this intelligence, and to the danger which every day was incurred, while an enemy's fleet kept the sea, without a British to oppose it. The jealousy of the Admiral was acute, of the time for sailing, he replied, that he was the judge; that he was not responsible for his conduct to the government of Madras, and that he should proceed to sea with his Majesty's squadron under his command, as soon as it was fit for service¹. He did not proceed to sea before the 20th of August, when he sailed to Trincomalee, and found it already in the hands of the enemy. Suffrein, after proceeding to Point de Galle, where he was joined by the reinforcements from Europe and two ships of the line, anchored in Trincomalee Bay on the 25th, landed the troops before day the next morning, opened the batteries on the 29th, silenced those of the garrison before night, and summoned the place the following morning. Eager to anticipate the arrival of the English fleet, Suffrein offered the most honourable terms. The forts were surrendered on the last of the month, and Hughes arrived on the 2d of September.

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¹ Barrow's Life of Lord Macartney, i 122

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Early on the following morning the French fleet proceeded to sea; when the English were eager to redeem by a victory the loss of Trincomalee. The French had twelve, the English eleven sail of the line, the French had four ships of fifty guns, the English only one. The battle began between two and three in the afternoon, and soon became general. After raging for three hours with great fury in every part of the line the darkness of the night at last terminated one of the best fought actions then recorded in the annals of naval warfare. The exertions of Suffrein himself were remarkable, for he was ill seconded by his captains, of whom he broke no fewer than six, immediately after the engagement. Unfortunately for the French fleet they had the island of Trincomalee at hand, to receive them but in crowding into it in the dark one of them struck upon the rocks, and was lost and two others were so much disabled that ten days elapsed before they were able to enter the harbour. Suffrein then described them as presents which he had received from the British Admiral, who, regarding the proximity of Trincomalee as a bar to all attempts, and finding his ammunition short, immediately after the battle proceeded to Madras.

Hyder, upon the disappointment of his plan against Negapatam by the rencounter between the French and English fleets, returned upon his steps and proceeded toward his magazine at Arnee. Upon the return of the English army to Madras a plan had been concerted for the recovery of Cuddalore. The return indeed of Hyder by alarming the General for the safety of Wandewash made him wish to lessen rather than increase his distance from that fort but after a days march having learned that Hyder had passed the river Arnee he proceeded in

the direction of Cuddalore, and on the 6th of September encamped on the red hills of Pondicherry. Intelligence, here received, of the fall of Tincomalee, of another action between the fleets, and of the intention of the British Admiral to return to Madras, induced the General who had sustained a second paralytic attack, to return to the same place with the army.

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The Presidency were thrown into the utmost agitation and alarm by an unexpected event; the refusal of the Admiral to co-operate in the enterprise against Cuddalore, and the declaration of his intention to proceed to Bombay and leave the coast during the ensuing monsoon. If the coast were left unprotected by a British fleet, while the harbour of Trincomalee enabled the enemy to remain, and while Hyder was nearly undisputed master of Carnatic, nothing less was threatened than the extirpation of the English from that quarter of India. Beside these important considerations, the Council pressed upon the mind of the Admiral, the situation of the Presidency in regard to food: that their entire dependence rested upon the supplies which might arrive by sea; that the stock in the warehouses did not exceed 30,000 bags, that the quantity afloat in the roads amounted but to as much more, which the number of boats demanded for the daily service of his squadron had deprived them of the means of landing, that the monthly consumption was 50,000 bags at the least, and that, if the vessels on which they depended for their supply were intercepted, (such would be the certain consequence of a French fleet without an English upon the coast,) nothing less than famine was placed before their eyes. The Admiral was reminded that he had remained in safety upon the coast during the easterly monsoon of

BOOK V the former year, and might still undoubtedly find
CHAP 5 some harbour to afford him shelter. A letter too
 1782 was received express from Bengal stating that Mr Ritchie, the marine surveyor, would undertake to conduct his Majesty's ships to a safe anchorage in the mouth of the Bengal river. And it was known that Sir Richard Bickerton with a re-inforcement of five sail of the line from England, had already touched at Bombay, and was on his way round for Madras.

The Admiral remained deaf to all expostulations. In the mean time intelligence was received that the enemy were preparing to attack Negapatam. The President had already prevailed upon Sir Eyre Coote to send a detachment of 300 men under Colonel Fullerton into the southern provinces, which, since the defeat of Colonel Brathwaite had lain exposed to the ravages of Hyder and were now visited with scarcity and the prospect of famine. Within two days of the former intelligence accounts were received that seventeen sail of the enemy's fleet had arrived at Negapatam and that the place was already attacked. The most earnest expostulations were still addressed to the Admiral in vain and the morning of the 15th of October exhibiting the appearance of a storm, the fleet set sail and disappeared. The following morning presented a tremendous spectacle to the wretched inhabitants of Madras: several large vessels driven ashore others foundered at their anchors all the small craft amounting to nearly 100 in number either sunk or stranded and the whole of the 30 000 bags of rice irretrievably gone. The ravages of Hyder had driven crowds of the inhabitants from all parts of the country to seek refuge at Madras where multitudes were daily perishing of want. Lamin now raged in all his horrors, and the

multitude of the dead and the dying threatened to superadd the evils of pestilence. The bodies of those who expired in the streets or the houses without any one to inter them, were daily collected, and piled in carts, to be buried in large trenches made for the purpose out of the town, to the number, for several weeks, of not less, it is said, than twelve or fifteen hundred a week. What was done to remove the suffering inhabitants to the less exhausted parts of the country, and to prevent unnecessary consumption, the Governor sending away his horses and even his servants, could only mitigate, and that to a small degree, the evils which were endured ¹. On the fourth day after the departure of Sir Edward Hughes and his fleet, Sir Richard Bickerton arrived, with three regiments of 1,000 each, Sir John Burgoyne's regiment of light horse, amounting to 340, and about 1000 recruits raised by the Company, chiefly in Ireland, but as soon as Sir Richard was apprized of the motions of Sir Hugh, he immediately put to sea, and proceeded after him to Bombay. Sir Eyre Coote also, no longer equal to the toils of command, set sail for Bengal, and General Stuart remained at the head of the army, now encamped at Madras, with provisions for not many days, and then pay six months in arrear.

The exclusive power over the military operations, which had been entrusted to Coote, and which, though it greatly impeded the exertions of the President, motives of delicacy and prudence forbade him to withdraw, belonged, under no pretext, to General Stuart, and the Governor and Council proceeded to

¹ The violence of the tendency there was to calumniate Lord Macartney is witnessed by the absurd allegations which even found their way into publications in England, that he kept the grain on board the ships to make his profit out of its engrossment. See *Memoirs of the late War in Asia*, 1 413

officers and serjeants, afforded by the King of Tan-BOOK V.
jore; and a proportional train of artillery, of which CHAP 5.
however they were obliged, for want of draught 1782.
bullocks, to leave the whole of the heavy part, and
one half of the remainder by the way. They re-
mained before Ramgurree from the 20th of Septem-
ber to the 6th of October. Being deserted in the
night, it was garrisoned with convalescents, and made
the centre of a chain of communications. After
taking another fort on the 14th they approached
Palacatcherry; and on the 18th, without much
difficulty, dispersed the enemy, who met them at
about three miles' distance from the fort. To take
Palacatcherry, without heavy artillery, was, after
three days' inspection, considered impossible; and
the army were ordered to march at four o'clock on
the morning of the 22d, in order to occupy a camp
at several miles distance, till the battering cannon
should arrive. Unfortunately, the officer who con-
ducted the retreat, instead of putting the line to the
right about, ordered them to countermarch, which
threw the baggage and stores to the rear. Apprized
of all their motions, the enemy dexterously watched
them, in a narrow defile, till all except the rear guard
and the baggage had passed, when the enemy sud-
denly made an attack, and the whole of the provi-
sions, and almost all the ammunition, fell into their
hands. It now only remained for the English to
make their retreat to the coast with the greatest ex-
pedition. They were attacked from every thicket;
exceedingly harassed both on flanks and rear;
during the two first days they hardly tasted food;
and on the 18th of November, when they reached
Ramgurree, the fortifications of which, as well as
those of Mangaracotah, they blew up, they received

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King into the pay of the Company, their obedience to the Company, till the period of their recall, was a condition necessary and understood That the King reserved to himself the regulation of their interior economy but, with regard to their operations, gave them not so much as instructions which were left exclusively to the Authority, for the service of which they were employed. The General having thought fit to deliver to the Committee what he called an answer to this declaration, and therein to assert a right of judging when he should obey, and when not, received, by the unanimous resolution of the Committee, a positive order to send no commands or instructions, except on business of discipline or detail to any of the Kings or Company's officers, without the approbation of the Committee To these decisive measures General Stuart abstained from any direct or declared resistance and rather chose to thwart the views of the President and Council by placing obstacles in their way Upon their earnest application, when the news arrived of the death of Hyder that the army should march the General affected to disbelieve the intelligence and if it was true, replied, that the army would be ready for action in the proper time When the fact was ascertained and the remonstrances were redoubled when letters were daily received describing the importance of the moment for striking a decisive blow when the commanding officer at Tipasson sent express intelligence that the whole of the enemy's camp was in consternation that numbers had deserted and that in the opinion of the deserters the whole army if attacked before the arrival of Tippoo, would immediately disband and fly into their own country, the General declared the army deficient in equipments for marching at that season of the year

though for upwards of a month he had been receiving the strongest representations on the necessity of keeping it in readiness for action, with offers of the utmost exertions of the government to provide for that purpose whatever was required.

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Tippoo, in the mean time, had admitted no delay. Having reached Colar, where he performed the accustomed ceremonies at the tomb of his father, he pursued his course to the main army, which he joined between Arnee and Velore, about the end of December. The address and fidelity of the leading officers, who concealed the fatal event, had been able to preserve some order and obedience among the troops till he arrived, when the immediate payment of their arrears, and a few popular regulations, firmly established Tippoo on his father's throne. Shortly after his arrival he was joined by a French force from Cuddalore, consisting of 900 Europeans, 250 Caffrees and Topasses, 2,000 sepoy, and twenty-two pieces of artillery, while at this time the whole of the British force in Carnatic, capable of taking the field, amounted to no more than 2,945 Europeans, and 11,545 natives.

On the 4th of January the army at last took the field. On the 5th of February they marched. On the 8th they arrived at Wandewash, where the enemy appeared. On the 13th the General advanced and offered battle; when the enemy retired in haste and disorder towards the river. He withdrew the garrison from Wandewash and Carangoly, which it was held impracticable to maintain; and blew up the fortifications of both. He then marched towards Velore, and at that place received intelligence that Tippoo Saib was retreating from Carnatic, that he had ordered Arcot to be evacuated, and two sides of the fort to be destroyed.

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Tippoo was recalled, not only by the care of establishing his government, but of meeting a formidable invasion on the western coast, which had already approached the vitals of his kingdom. The English army, which had been left unobstructed on his departure from Paniané, about the beginning of December, proceeded about the end of that month, the sepoys by land to Tellicherry, the European part, by sea, to Merjee, about three hundred miles north of Paniané. In January General Mathews, with an army under his command, from Bombay, arrived at Merjee, and summoned to his standard the rest of the troops on that part of the coast. He took by storm the fort of Onore, and reduced some other places of smaller consequence and about the middle of the month with a force consisting of about 1 200 Europeans, eight battalions of Sepoys and a proportionate quantity of artillery and Lascars moved toward the great pass which is known by the appellation of the Hussungurry Ghaut. The ascent consisted of a winding road of about five miles in length, defended by batteries or redoubts at every turning. The army entered the pass on the morning of the 25th and chiefly with the bayonet carried every thing before them till they reached a strong redoubt at the top of the Ghaut this appeared impregnable but a party clambering up the rocks came round upon it behind and the whole of the pass was placed in their power. The next day they advanced to Hyder nagur or Bednore the rich capital of one of the most important of all the dependencies of Mysore. They were on their march with no more than six rounds of ammunition for each man when an English prisoner arrived with terms from the Governor and a proposal to surrender not only the city of Bednore, but the country and all its

dependencies. With the capital, most of the minor BOOK V.
forts made a ready submission; but Ananpore, Man- CHAP. 5.
galore, and some others, held out. Ananpore, after 1783.
violating two flags of truce, stood the storm, and was
carried on the 14th of February. In Mangalore, a
breach being effected, the commander, unable to pre-
vail upon his people to maintain the defence, was ob-
liged to surrender. In these transactions, particu-
larly in the reduction of Onore and Ananpore, the
English army have been accused of a barbarity un-
usual at the hands of a civilized foe. It appears not,
however, that quarter, when asked, was refused; but
orders were given to shed the blood of every man
who was taken under arms, and some of the officers
were reprimanded for not seeing those orders rigidly
executed.¹ After the acquisition of Mangalore, the
General, with a portion of the army, returned to Bed-
nore, where the flames of discord were kindled by
pretensions to the spoil. A vast treasure, amounting
to eighty-one lacs of pagodas, 801,000*l.* besides a
quantity of jewels, was understood to have been
found in Bednore. Of this, though the army was in
the greatest distress for want of money, having re-
ceived no pay for twelve months, some of the troops
for a longer time, the General positively refused to
divide any part. The most vehement complaints and
remonstrances ensued. Refractory proceedings were
severely, if not arbitrarily punished; and three of
the leading officers, Colonel Macleod, Colonel Hum-
berstone, and Major Shaw, left the army, and, pro-
ceeding to Bombay, laid their representations before

¹ See Annual Register for 1783, and "A Vindication of the Conduct of the English Forces employed in the late War, under the command of Brigadier-General Matthews, against the Nabob Tippoo Sultaun," by sundry Officers of the Bombay establishment. Parliamentary Papers, ordered to be printed, 11th March, 1791.

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the Governor and Council. So flagrant to the Governor and Council did the conduct of the General appear, that they superseded him, and appointed Colonel Macleod, the next in rank to take the command in his stead. Suspicions of his rapacity blazed with violence but it ought to be remembered, that he lived not to vindicate his own reputation and that in circumstances, such as those in which he was placed, suspicions of rapacity are easily raised.

Colonel Macleod, now Brigadier General, and Commander in Chief, returning to the army with the two other officers, in the *Ranger* snow fell in with a Mahratta fleet of five vessels off Geriah, on the 7th of April. This fleet was not it appears, apprised of the peace and Macleod, full of impatience temerity and presumption instead of attempting an explanation or submitting to be detained at Geriah for a few days, gave orders to resist. The *Ranger* was taken after almost every man in the ship was either killed or wounded. Major Shaw was killed, and Macleod and Humberstone wounded, the latter mortally. He died in a few days at Geriah, in the twenty-eighth year of his age and was lamented as an officer of the most exalted promise a man, who nourished his spirit with the contemplation of ancient heroes, and devoted his hours to the study of the most abstruse sciences connected with his profession.

During this interval the forty second regiment was sent from Bednore to seize some forts below the Ghauts, the army was dispersed in detachments to occupy almost every town and mud fort in the country nothing it is said was dreamt of but riches intelligence fortifications and subsistence were all equally neglected. In this state of supine indolence Tippon suddenly appeared on the 9th of April drove in a detachment stationed four miles distant at

Fattiput, seized the town of Bednore with a considerable quantity of ammunition neglectfully remaining without the magazine; laid siege to the fort, and sent detachments to occupy the Ghauts, and surrounding country. The English in Bednore were then cut off from retreat; the fortifications ruinous, their ammunition expended, their provisions low, and their numbers diminishing by disease and fatigue as well as the sword. Honourable terms being promised, they surrendered by capitulation on the 30th of April; but instead of being sent according to agreement to the coast, they were put in irons and marched like felons to a dreadful imprisonment in the strong fortresses of Mysore. To apologize for this outrage upon the law of even barbarous nations, Tippoo charged the English with a violation of the articles of capitulation in robbing the public treasure; and the suspicions which were attached to the character of the General have given currency to a story that he ordered the bamboos of his palanquin to be pierced and filled with pagodas.

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After this important success, Tippoo proceeded to Mangalore, in which the remains of the English army collected themselves, with such provisions as the suddenness of the emergency allowed them to procure. On the possession of Mangalore, the chief fortress and the best harbour of Canara, Tippoo, as well as his father, set an extraordinary value. On the 16th of May a reconnoitering party of his horse appeared on a height near the town. On the 20th the picquets, on the 23d the outposts of the garrison were driven in, and the investment of the place was rendered complete.

During the march of Tippoo from Carnatic to the western side of his kingdom, and the operations which preceded his arrival at Mangalore, the following

BOOK V occurrences took place at Madras As soon as the
 CHAP 5 General ascertained the departure of the enemy, he
 1783. returned with the army, and on the 20th of February
 encamped near the Mount. The policy of supporting
 the English army in Bednore against the army of
 Tippoo, by strong incursions on the southern and
 eastern parts of his dominions, presented itself, in the
 strongest point of view, to the Governor and Council
 The army stationed in Tanjore and the southern pro-
 vinces received orders to march towards the west
 and to General Stuart it was recommended to march
 upon Tippoo's frontier in the direction of Velore
 Any such movement he declared to be impossible,
 and while the army remained inactive, Suffrein,
 whom the British fleet had not yet returned to op-
 pose found no difficulty in landing Bussy, with a re-
 inforcement of French troops at Cuddalore. 'It was
 an object of great importance to recover possession of
 that place before the works should be strengthened,
 and the army of Tippoo, with the French troops
 which were with him, should be able to return To
 all the expostulations of the Governor and Council,
 the General is accused of having replied, only by the
 statement of wants and difficulties operating as
 grounds of delay About fourteen days after the time
 fixed upon by him, self that is on the 21st of April
 in consequence of peremptory commands, he marched
 with the army towards Cuddalore Contrary to his
 pledge, that he would not recall to his assistance the
 southern army without the strongest necessity of
 which he engaged to apprise the Committee he
 secretly wrote to the Commanding Officer three days
 before his departure to join him with the greatest
 part of the force under his command. By this abuse
 of their confidence the Committee were induced to
 withdraw the discretionary power over the southern

which they had granted at his request. The

Madras to Cuddalore, about 100 miles, performed in twelve days. General

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no obstruction either to meet or to fear; a degree unusually perfect, supplied with provisions for his march; yet he spent forty days on the road, that is, marched at the rate of twelve miles a day, though the success depended upon dispatch, and the Admiral, who co-operate with the expedition, declared that not, for want of water and provisions, did he stay at Cuddalore till the end of June. The fleet returned to Madras on the 12th of April, consisting of seventeen sail of the line, four frigates, and smaller vessels, and soon after, a fleet of transports, and three store ships, with 1,000 reinforcements, arrived under convoy of the Bristol, after a narrow escape from the squadron.

The fleet arrived at Cuddalore on the 7th of June, when the enemy had already thrown up, and almost completed considerable works. An attack was to be made on these works on the 13th, in three several places; and it was planned to give the signal by firing of guns from a hill. Amid the noise of cannon of this description could not be heard; attacks were made at three several times, but were repulsed; but the enemy, quitting the rest of their works, which were unexpectedly occupied by a division of the English army, fled into consternation, and withdrew. This retreat nearly incurred the ruin of the English, who had left sixty-two officers, and 920 men, Europeans, either dead or mortally wounded. The English lay upon their arms during the day in expectation of an attack, which the

BOOK V troops fatigued and unprotected, would have found
 CHAP 5 it difficult to sustain But the spirit of Bussy was
 1783 chilled by age and infirmities and he restrained the
 impetuosity of his officers who confidently predicted
 the destruction of the British army

On the following day Sir Edward Hughes, and Suffrein, who had followed him from Trincomalee, arrived with their respective fleets. The English remained at anchor till the 16th on the 17th, and two succeeding days, the fleets performed a variety of movements for the purpose of gaining or keeping the wind and about four o'clock on the 20th they engaged. The English consisted of eighteen sail the French only of sixteen, and so leaky, that most of them it was necessary to pump during the battle yet Suffrein by dexterous management contrived in several instances to place two of his vessels upon one of the English, of which five were but little engaged. The combatants were parted by night, and the next day the French were out of sight, but appeared at anchor in the road of Porto Novo on the morning of the 22d. The British Admiral deeming it inexpedient to attack them, only offered battle and then made sail for Madras. It has been both asserted and denied that Suffrein weighed, and stood after him but it is certain that he arrived at Cuddalore on the following day. He immediately proceeded to land as many men as he could spare from the fleet and measures were concerted between him and Bussy for the most vigorous operations. They made a sally on the 25th which was repulsed but a grand effort was preparing for the 4th of July and so much were the English reduced by the sword by sickness and fatigue that the most fatal consequences were probable and feared. Sir Edward Hughes at Madras and the British army exposed to Suffrein

and Bussy at Cuddalore, presented a dismal prospect to the imaginations of the Governor and Council; when intelligence was received of the signature in Europe of a treaty of peace between the English and French. It was immediately resolved, though official intelligence had not yet arrived, to send a flag of truce to Bussy, recommending an immediate cessation of arms. To this proposal the French commander acceded, with less difficulty than might have been expected. Bussy even consented to invite Tippoo to a participation in the peace, and to send positive orders to the French troops to retire immediately from his service.

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Upon the evacuation of Carnatic by Tippoo, the occasion was not omitted of making to him an overture of peace by means of a Brahmen, in the confidence of the King of Tanjore. A favourable answer was remitted; but a point of etiquette, for which the Governor was a great stickler, leading to another on the part of Tippoo, broke off the negotiation. To the application from Bussy, however, an answer was returned in little more than a month, offering peace upon certain conditions, and expressing a desire to send two ambassadors to Madras. Upon the arrival of the vakeels it appeared that a peace, upon the basis of a mutual restitution of conquests, might easily be made, and for the acceleration of so desirable an event, especially on account of the prisoners, to whose feelings, and even lives, a few weeks were of importance, it was deemed expedient to send three commissioners along with Tippoo's vakeels, to expedite on the spot the business of negotiation.

Measures, in the mean time, were pursued for creating a diversion in favour of the detachment besieged in Mangalore. The two divisions of the army which were stationed for the protection, the

BOOK V one of the northern, the other of the southern pro-
 CHAP 5 vinces, were reinforced and instructed to threaten or
 1783. attack the enemy in that part of his dominions to
 which they approached. The division in the south
 was, in the opinion of Colonel Fullarton, by whom it
 was commanded, augmented sufficiently to penetrate
 into the very heart of Mysore, and possibly to attack
 the capital itself

Amid these proceedings, the contentions which pre-
 vailed between the heads of the civil and military
 departments were hastening to a decision. Along
 with the flag of truce which was forwarded to the
 French, it was resolved in the Committee to send
 orders for the recall of General Stuart to the Presi-
 denoy as well because they could not depend upon
 his obedience, as because they deemed it necessary to
 hear the account which he might render of his con-
 duct. After a temporary neglect of the commands
 of the Committee, the General thought proper to
 leave the army and proceed to Madras where super-
 seding mutual explanations the customary disputes
 were renewed and inflamed. The Governor at last
 submitted to the Committee a motion, that General
 Stuart should be dismissed from the Company's ser-
 vice. In the minute by which this motion was in-
 troduced, the misconduct of the General in the expe-
 dition to Cuddalore and the acts of disobedience
 which were sufficient in number and magnitude to
 imply the transfer of all power into his hands were
 stated as the principal grounds of the proposed pro-
 ceeding to which the votes of the Committee im-
 mediately imparted their unanimous sanction. Stuart
 however announced his determination to retain the
 command of the King's troops and Sir John Bur-
 goyne on whom as second in rank the command
 would devolve intimated his intention to obey the

BOOK V circumstance, deserves to be stated It was impossi-
 CHAP 5 ble to approach so near the fort as to determine with
 1783 precision the most advantageous point of attack One
 spy explained the circumstances of the place to the
 Commanding Officer, and another to the Adjutant-
 General Each of these officers drew a plan from
 the description which he himself had received and
 they coincided so exactly both with one another, and
 with the facts, that a body of troops marched in a
 dark night, crossed a river, and occupied a strong
 position within 400 yards of the fort, where the bat-
 teries were constructed which effected the breach
 The accuracy with which the Indian spies convey the
 idea of a fort even by verbal communication, and
 still more by models made of clay is represented as
 not surprising only, but almost incredible The
 orders which General Stuart, unknown to the Com-
 mittee, dispatched to the southern army, stopped
 them at this point in their career of conquest and
 they were within three miles of his camp when they
 received intelligence that hostilities with the French
 had ceased and that an armistice was concluded with
 Tippoo In the interval Colonel Fullarton had pro-
 ceeded with great activity in restoring obedience and
 order in Madura and Trinivelly in which during the
 distress of the Madras government almost all the
 Polygars had revolted According to Fullarton the
 management of the province by the Company's and
 the Nabob's servants had been corrupt and oppressive
 and hence pregnant with disorder in the extreme
 One single exception he produces, Mahomed Issoof
 Khan While he ruled these provinces his whole
 administration denoted vigour and effect his justice
 was unquestioned his word unalterable his measures
 were happily combined and firmly executed, the guilty
 had no refuge from punishment On comparing"

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sant rain, the army reached Palacatcherry on the 4th of November. They immediately commenced and carried on their operations with great vigour but the strength of the place, and the active resistance of the garrison, threatened them with a tedious siege. On the 13th, two batteries were opened and before sun set the defences of the enemy were so much impaired, that their fire was considerably abated. At night Captain Maitland took advantage of a heavy rain to drive the enemy from the covert way, and to pursue them within the first gateway, to the second. Here he was stopped, but gallantly defended himself, till additional troops arrived when the enemy, alarmed by the idea of a general assault, called out for quarter and put the English in possession of the fort. The army then marched to Combertore, which they reached on the 26th of November and which surrendered before they effected a breach. They had now the conquest of Seringapatam and the entire subversion of the power of Tippoo full in their view. The brave garrison of Mangalore had long baffled his whole army which had suffered severely by a perseverance in the siege during the whole of the rains. A chain of connected operations could now be carried on by the army of Colonel Macleod on the western coast and that of Fullarton in the south. The army of the north was acting in Cudapah, in which and the neighbouring provinces the power of Tippoo was ill established. All the petty princes on the western coast were supposed ready to shake off their dependance. The co-operation was confidently expected of the Hindu inhabitants of Mysore of whom the Brahmens were in correspondence with the English. Fullarton had provided his army with ten days grain repaired the carriages and made every arrangement for pushing

forward to Seringapatam, with nothing but victory sparkling in his eye, when he received, on the 28th of November, commands from the Commissioners, appointed to treat with Tippoo, to restore immediately all posts, forts, and countries, lately reduced, and to retire within the limits occupied on the 26th of July. He had made some progress in the execution of these commands, when he received, on the 26th of January, directions to re-assemble the army, and prepare for a renewal of the war.

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The negotiators whom the President and Council had dispatched to the presence of Tippoo, for the purpose of accelerating the conclusion of peace, had not attained their object without many difficulties and considerable delay. Scarcely had they entered the territory of the enemy, when they were required, and almost commanded, to surrender Mangalore, which they regarded as the chief security for the lives and restoration of the English prisoners in the hands of Tippoo. On their approach to Seringapatam they were made acquainted with the intention to conduct them to Mangalore. No communication was allowed between them and their unfortunate countrymen, when they passed Bangalore and other places in which they were confined. Their letters, both to and fro, were intercepted. Upon complaining they were informed, that Colonel Fullarton, notwithstanding the commencement of their mission for peace, had taken and plundered the forts of Palacatcherry and Coimbatore. Not aware that the proceedings of Fullarton were justified by the intelligence which he had received of Tippoo's breach of faith to the garrison at Mangalore, they sent their commands to that officer to restore the places, which, since the date of their commission, had fallen into his hands. After a tedious and harassing journey, through a

BOOK I country almost impassable, in which so
 CHAP. 3. attendants and cattle actually perished,
 1783 Tippoo at Mangalore, where he had was
 year, and a considerable portion of his a

The force with which in the month of
 preceding year, he invested Mangalore
 60 000 horse 30,000 disciplined sepoy
 infantry, under the command of Colonel
 Lally's corps of Europeans and natives
 troop of dismounted cavalry, commander
 cer of the King of France, irregular tr
 amount of many thousands and nearly c
 pieces of artillery The British garrison
 696 Europeans, including officers and
 troops, besides pioneers and camp follo
 operations of the enemy proceeded wit
 activity that on the 27th of May they had
 eleven embrasures which the English ma
 to destroy, but were repulsed On the
 stones some of them weighing 150 pound
 be thrown by mortars into the town and
 they lighted upon soft earth, they buried
 without mischief When they fell upon h
 laid them open, where no materials could
 repair them to all the inclemency of the
 When they fell upon a substance harder
 selves, they were dashed into a thousand
 even the wounds and lacerations which wer
 by the splinters proved peculiarly fatal
 person surviving who received them

From batteries erected on the north the
 the south a heavy fire was constantly m
 the sixth fortifications on the northern
 entirely dismantled on the 11th of June;
 a practicable breach was effected in the
 the English especially as a flag of truce be

jected, looked for an immediate assault In the mean time they repulsed with the bayonet repeated attacks on the batteries which they had erected without the fortress, repeatedly silenced the batteries of the enemy, and spiked their guns, which were as often expeditiously repaired. Masked batteries were opened, and the approaches of the enemy brought so near, that they threw fascines on the covered way, and edge of the glacis. On the 4th of July, the assault was undertaken. A body of troops, armed with knives, of the shape of pruning hooks, two feet long, and with spears mounted on light bamboos of a prodigious length, rushed into a tower on the left of the eastern gate, while the line marched forward to support them. The enterprise did not succeed. The assaulting party were so warmly received, that they were soon disposed to retreat. On the 6th a general attack was made on the northern covered way, which, though very fierce and obstinate, was also repulsed. The garrison were now obliged to defend themselves from almost daily attempts to penetrate into the fort, while they severely suffered both from scarcity and disease. At last intelligence arrived of the peace between France and England, with the orders of Bussy to the French to co-operate no longer in the hostilities of Tippoo. The French envoy made some efforts to effect a pacification, but even during the suspensions of hostilities, which were frequently terminated, and frequently renewed, Tippoo continued his operations. A trait of Indian humanity ought not to be forgotten. During the progress of hostilities, and especially after the prospect of peace, the enemy's sentinels in many instances beckoned to the men to get under cover, and avoid their fire, a generosity which the English were well disposed to return. At last, after a long and intricate

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BOOK V correspondence, a cessation of hostilities, including
 CHAP 5 the garrisons of Onore¹ and Carwar, was concluded
 1783 on the 2d of August. Of this agreement one important condition was, that the English garrison should three times a week be furnished with a plentiful market of provisions, at the rates of Tippoo's camp. This was evaded, and prices were daily, in such a manner, increased, that a fowl was sold at eight, and even twelve rupees and other things in a like proportion. At last the market was wholly cut off, and horse flesh, frogs, snakes, ravenous birds, lites, rats, and mice, were greedily consumed. Even jackals, devouring the bodies of the dead, were eagerly shot at for food. The garrison had suffered these evils with uncommon perseverance, when a squadron appeared on the 22d of November, with a considerable army under General Macleod. Instead of landing the General, by means of his secretary, carried on a tedious negotiation with Tippoo and having stipulated that provisions for one month should be admitted into the fortress, set sail with the reinforcement on the 1st of December. Even this supply was drawn from damaged stores bought from a navy agent, and of the beef and pork, not one in twenty pieces could be eaten even by the dogs. Another visit, with a similar result was made by General Macleod on the 31st of December. The desertion of the sepoy and the mutiny of the Europeans were now daily apprehended two-thirds of the garrison were sick and the rest had scarcely strength to sustain their arms the deaths amounted to twelve or fifteen every day and at last, having endured these

¹ For a very interesting detail of the defence of Onore which was maintained with consummate ability and heroism, by Captain Turner till the conclusion of the treaty see *Barrow's Oriental Memoirs* i. 111 to 175.

calamities till the 23d of January, the gallant Camp-
bell, by whom the garrison had been so nobly com-
manded, offered, on honourable terms, to withdraw
the troops. The Sultan was too eager to put an end
to a siege which by desertion and death had cost
him nearly half his army, to brave the constancy of
so firm a foe; and they marched to Tellicherry, with
arms, accoutrements, and the honours of war.

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The negotiating commissioners, whose journey had been purposely retarded, were now allowed to approach. The injuries which the English had sustained, since Tippoo had joined in the business of negotiation, were such, as in a prouder state of the English mind, would have appeared to call for signal retribution. But the debility and dejection to which their countrymen were now reduced, and their despair of resources to continue the war, impressed the negotiators with a very unusual admiration of the advantages of peace, and meeting the crafty and deceitful practices of Tippoo with temper and perseverance, they succeeded, on the 11th of March, 1784, in gaining his signature to a treaty, by which, on the general condition of a mutual restitution of conquests, peace was obtained ¹

It is only necessary, further, to relate the manner in which the treaty was ratified by the Governor-Ge-

¹ For the narrative of the preceding events, have been explored, and confronted, Papers presented to the House of Commons, pursuant to their orders of the 9th of February, 1803, regarding the affairs of the Carnatic, vol. II, Barrow's Macartney, i. 109—232, Memoirs of the late War in Asia, i. 231—236, 252—286, and 403—512, A View of the English Interests in India, by William Fullarton, M. P. p. 68—195, Annual Register for 1782 and 1783, the Collection of treaties and Engagements with the native Princes of India, and the Sixth Report of the Committee of Secrecy of 1782. The recent narrative of Colonel Wilks, drawn up under the advantages of peculiar knowledge, affords me the satisfaction of perceiving, that there is no material fact which my former authorities had not enabled me to state and to comprehend.

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neral and Council and to explain the mode in which, during these momentous transactions, the relations between the Supreme and Subordinate Presidency were maintained. Lord Macartney was not only of superior rank to the highest of the Company's servants in India but in him was set one of the first examples of elevating a servant of the King to a high station in that country and of intercepting the great prizes which animated the ambition of the individuals rising through the several stages of the Company's service. To these causes of jealousy were added, recommendations and injunctions, which had been pressed upon so many governors, and which had not failed to involve in odium and difficulties as many as had attempted to obey them recommendations and injunctions of peculiar urgency to correct abuses and effect retrenchments. Though the accomplishments and talents of Lord Macartney, which were not of an ordinary kind, and a considerable propensity to vain glory, might have added to the flames of discord the calmness of his temper his moderation and urbanity, were well calculated to allay them. He was aware of the sentiments to which among the members of the superior government his appearance in India was likely to give origin and lost no time in endeavouring to avert the jealousy which might naturally arise. He not only assured the Governor General of the sentiments of esteem and even of admiration with which all that he knew of his administration inspired him but openly disclaimed all designs upon the government of Bengal and declared that the objects were not Indian to which his ambition was directed. Mr Hastings met his professions with similar protestations both of personal regard and of desire for co-operation. He also expressed his regret that the suddenness of the arrival of Lord Macartney had not

allowed him the opportunity to furnish to that noble-BOOK V.
man the explanation of certain acts, by which the CHAP 5
Supreme Government might appear to him to have 1784.
passed beyond the limits of its own province, and to
have taken upon itself an authority which belonged
to the Presidency of which he was now at the head.

Of the acts to which Mr Hastings made allusion, one was, the treaty, into which, in the beginning of the year 1781, he had entered with the Dutch. The object of that measure was to obtain, through the Governors of Colombo and Cochin, a military force to assist in the expulsion of Hyder from Carnatic; but as these Governors acted under the authority of the government of Batavia, for whose sanction there was no leisure to wait, a tempting advantage was represented as necessary to prevail upon them to incur so unusual a responsibility. The negotiation was carried on through the medium of the Director of the Dutch settlements in Bengal, and it was stipulated that for 1000 European infantry, 200 European artillery, and 1000 Malays, who should be paid and maintained by the Company, during the period of their service, the province of Tinivelly should be ceded to the Dutch, together with the liberty of making conquests in the neighbourhood of Cochin, and the exclusive right to the pearl fishery on the whole of the coast south from Ramiseram. In name and ostent, the sovereignty of the Nabob Mahomed Ali was not to be infringed, and the treaty, framed and concluded for him, was to be ratified by his signature. The small value of the cession, and the extreme danger of Carnatic, were urged as the motives to induce compliance on the part both of the Nabob, and of the Presidency of Madras. The ideas, however, of the Nabob, and of the Presidency of Madras, differed very widely from those of the Governor-

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and to strengthen the hands, at so perilous a moment, of the government of Madras, the Supreme Council encouraged his discontent, and laid their exhortations upon the Presidency of Madras, to place themselves in hardly any other capacity than that of Commissaries to supply his army, and while they continued responsible for the acts of the government, to retain with them hardly any other connexion, in no degree to possess over them any substantial control. As the coolness on the part of the Governor-General seemed to Macartney to increase, and to threaten unfavourable consequences which it was of the utmost importance to avert, he sent to Bengal, in the beginning of the year 1782, his confidential secretary Mr Staunton, in whose judgment and fidelity he placed the greatest reliance to effect a complete mutual explanation and if possible to secure harmony and co-operation. With this proceeding Mr Hastings expressed the highest satisfaction, and declared his "anxious desire to co-operate with Lord Macartney firmly and liberally for the security of the Carnatic for the support of his authority, and for the honour of his administration." But even at the time when he was making these cordial professions and entertaining Mr Staunton with the highest civilities in his house he signed as President of the Supreme Council whose voice was his own a letter to the President and Council of Madras, in which with an intimation of a right to command they say they

do most earnestly recommend that Sir Lyn Cootes wishes in regard to power may be gratified to their fullest possible extent and that he may be allowed an unparticipated command over all the forces acting under British authority in the Carnatic." Though Macartney announced his determination to act under this recommendation as if it were a legal command, he yet displayed, first in a private letter

to the Governor-General, to which no answer was ever returned, and also in a public communication, in the name of the Select Committee of the Council of Madras, his opinion, that the measure, as it regarded either the antecedent conduct of the Governor and Council of Madras, or the nature of the case, was destitute of all reasonable ground; calculated to involve the Madras government in difficulties; and liable to produce the most dangerous consequences. Of the rooted enmity of the Governor-General he regarded this proceeding as a decisive proof. And from this time but little between the Presidencies was preserved even of the appearance of concert.

Of the inconvenience to themselves of the transfer which the Supreme Council had ordered of the powers of the Presidency, one instance speedily occurred. Upon a requisition to send a detachment from Madras to Bombay, the President and Council were obliged to return for answer, that compliance no longer remained in their power, since all authority over the troops resided in the General. It is remarkable enough that this incident, which, with others of the like description, might have been so easily foreseen, determined the Supreme Council to revoke the orders which they had formerly given, and by explaining away the meaning of their former words, to substitute a new regulation for the degree of power with which the General was to be supplied. A great diminution, following close in succession upon a great enlargement of power, was not likely to produce a healing effect upon such a temper as that of Coote. He now insisted upon relinquishing the command of the army; and on the 28th of September, 1782, sailed for Bengal. Measures for giving him satisfaction were there concerted between him and the Supreme Council; and he departed from Bengal in

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all practicable arrangements for peace, that dependant, ambitious and insatiate chief, had shown aversion, and in particular a poignant abhorrence of Hyder Ali and his son. Important as the blessings of peace had now become to the exhausted resources of him and the Company, he treated with unreserved disapprobation the terms of any treaty which, to the Presidency, it seemed practicable to obtain, and neither gave his consent nor appeared to desire to become a party to the arrangement which they endeavoured to effect. The treaty of 1769, in which the Nabob was not included as a party, nor his name mentioned, appeared to furnish a precedent to justify a treaty in which, though his participation was not expressed, his interests were secured. And as it was absolutely necessary, on behalf of the Company that the Nabob should not have the power of breaking a treaty, essential to their interests though by him violently condemned it was held a great advantage to place it on a foundation independent of his will. Besides, previously to the negotiation, the Supreme Council were so far from holding up the Nabob, as a necessary and a principal party, that they did not even direct the communication to him of their instructions, or hint the propriety of taking his advice. The complaint however which on this account the Nabob had been instigated to raise the Supreme Council treated now as a matter of infinite importance and to Lord Macartney they appeared to be actuated by a wish to multiply the embarrassments of his administration. Considering the jealous temper of Tippoo his distrust of the English and his perpetual apprehension of treachery and deceit, Lord Macartney was convinced that to present to him a second ratification of a treaty after the first had been received as final and complete, could only give to

persuade him that either on the first or second of these occasions imposition was practised; and that hostility should anticipate hostile designs. The danger of such a result determined the President to brave the resentment of the superior government, and exonerating his council from responsibility, he declared his readiness to submit to suspension, as the consequence of his refusal to obey the orders of the governing Board. The situation of Mr Hastings himself became about this time too alarming, however, to leave him inclination for a stretch of his authority, and the disobedience of Lord Macartney was followed by no unpleasant result.¹

¹ Barrow's *Life of Macartney*, 1, 232—238, Papers presented to the House of Commons, *ut supra*.

CHAP VI

Financial Difficulties—Campaign of General Goddard on the Bombay side of the Mahratta Country—Attack on the Bengal side—Peace with Scindia—Supreme Court of Judicature—Efforts of the Supreme Court to extend its Jurisdiction—Their Effects upon Individuals—Upon the Collection of the Revenue—Upon the Administration of Justice—Interference of Parliament claimed—Granted—The Chief Justice placed at the Head of the Sudder Duannet Adaulut—Chief Justice recalled—Judicatorial and Police Regulations—Provincial Councils abolished, and a new Board of Revenue set up

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WE return to the events which during these great transactions, had taken place in Bengal and other parts of the British dominions in India

Before the commencement of the war with Hyder, the finances of the Company in every part of India had become a source of distress. The scanty resources of Bombay, which seldom equalled the expenditure of a peace establishment, had not even with the supplies which had been sent from Bengal sufficed to save that Presidency from the necessity of draining the channels of loan, and from sinking in arrears so deeply even with the pay of the army that the General in the month of August 1780 declared it was no longer fit to be depended upon¹. Even Bengal

¹ See Goddard's Letter to the Select Committee of Bombay dated 14th August 1780, Sixth Report of the Committee of Secretaries at page 11.

itself, though it had enjoyed entire tranquillity, and had only contributed to the maintenance of Goddard's army, and to other feeble operations against the Mahrattas, was so completely exhausted, that, in August, 1780, the Supreme Council were again reduced to the expedient of contracting debt, and before the end of the year, when exertions in favour of Carnatic were required, they were obliged to announce to the Directors the probability of a total suspension of the investment.¹

In the important consultations of the 25th of September, 1780, upon the intelligence of the fatal irruption of Hyder, it was resolved, that terms of peace should be offered to the Mahrattas, through the mediation of the Rajah of Berar; and on the 2d of October a draught of a treaty was prepared, according to which all conquests made by the English were to be surrendered, with the exception of the fort of Gualior, destined for the Rana of Gohud, and of that part of Guzerat which had been ceded to Futty Sing Gucowar. Should the fort of Bassein, however, be taken by the English forces, before the final agreement, it was proposed to cede, in its stead, all the

p 111, and 112 See also p 89 and 90, with the Appendix, No 256, for details of the extreme poverty and necessities of the Presidency, "necessities," they say, "now pressing to a degree never before experienced"

¹ Sixth Report, ut supra, p 101, 102, 103 In a letter to General Goddard, under date 20th April, 1780, the Supreme Council wrote, "Our resources are no longer equal to the payment of your army" In another, dated 15th May, they warned the Bombay Presidency against any reliance on continued supply from Bengal, "as neither their resources, nor the currency of the provinces, would endure a continuance of the vast drains," &c In a minute of the Governor General on the 28th of August, he said, "Our expenses have been increasing, our means declining And it is now a painful duty imposed upon me, to propose, that we should again have recourse to the means of supplying our growing wants, by taking up money at interest The sum I do not propose, because I think it should not be limited"

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territory and revenue which they had acquired by the treaty of Poorunder Of this draught, a copy, with power of mediation, was sent to the Rajah of Berar and at the same time letters were written to Nizam Ali to the Peshwa, to Scindia, and to the Poonah ministers, apprizing them of the terms on which the English government was ready and desirous to conclude a treaty of peace

On the 16th of October General Goddard, reinforced by a body of Europeans from Madras, and relieved from apprehension of Holkar and Scindia by intelligence that an attack would be made upon their dominions from the upper provinces of Bengal, put the army in motion from Surat The roads were still so deep, and the rivers so full that they were unable to reach their ground before Bassein till the 13th of November From the strength of the place and the number of the garrison the General deemed it necessary to carry on his operations with regularity and caution A battery of six guns and six mortars, within nine hundred yards of the fort, was completed on the morning of the 28th Under cover of its fire approaches were carried on to a spot within 500 yards of the wall, where a battery of nine heavy guns was opened on the morning of the 9th of December while a battery of twenty mortars began to play upon one of the parapets On the morning of the 10th when a practicable breach was nearly effected the fort made an offer of surrender, but in consequence of some demur the fire was renewed and next morning the enemy yielded at discretion

After the reduction of Bassein the General repaired to Bombay for the purpose of settling with the Committee the further operations of the army and there received intelligence of the irruption of Hyder into Carnatic, and the destruction of Colonel

Baillie's detachment An attack, which might operate as a diversion, on the western side of Hyder's dominions, was pressed upon the Presidency of Bombay by that of Madras; and at the same time arrived from the Supreme Council intelligence of their designs respecting peace with the Mahrattas, and a copy of the treaty which it was intended to offer. Though directed immediately to obey a requisition in writing from the Peshwa to suspend hostilities, General Goddard and the Committee of Bombay were exhorted to prosecute the war with vigour, till such time as that application should arrive. After several fluctuations of opinion, it was determined not to evacuate Tellicherry, as a place which, though burthensome to defend, might ultimately be of importance for commencing an attack upon the dominions of Hyder: And, notwithstanding the desire of the Committee to secure Concan, or the country below the Ghauts, it was resolved, upon the recommendation of the General, to occupy the passes of the mountains, and to threaten the enemy's capital, advancing into the country as far as might appear consistent with the safe return of the army. The terror which might thus be inspired was expected to operate as the most effectual inducement to peace; and that terror would be the more powerful, as the two leading chiefs, Scindia and Holkar, were understood to be occupied in the defence of their own dominions against the attack carried on from Bengal.

The army marched from Bassein about the middle of January. The Mahratta force in Concan was computed at 20,000 horse and foot, with about fifteen guns. It was commanded by Hurry Punt Furkea, and posted on the road to B'hoie Ghaut, by which, as the easiest of the passes, and that leading most directly to the Mahratta capital, it was expected that

ance against their respective enemies. Among other circumstances, the Mahratta agent affirmed, that the copy of the treaty which had been sent for transmission to the Regent of Berar, the Regent, who had not approved of it, had declined to forward. The General, therefore, transmitted to the minister a copy, together with information of his being vested with full powers to treat; and agreed to wait eight days for an answer. The answer arrived within the time prescribed, containing a simple and explicit rejection of the terms. Fully acquainted with the progress of Hyder in Carnatic, and regarding the eagerness of the English for peace, as a declaration of inability for war, the Mahrattas, at this juncture, expected greater advantages from continuing, than terminating hostilities. To the application of the Supreme Council to Moodajee, that he would employ his mediation between them and the Poonah government, an answer was not received till the 9th of January, 1781; and when it did arrive, it contained so many objections to the treaty, and even advanced so many pretensions, on the part of Moodajee himself, that it not only convinced them of the little prospect of peace, but brought in doubt the sincerity of the former professions of that person himself.

Notwithstanding this disappointment in the hopes of peace, and the approach of the English army to the capital of the enemy, Goddard, convinced that possession of the capital, which the enemy had determined to burn, would by no means ensure the attainment of his object, declined any further progress into the interior of the country; and recommended a system of defensive warfare, permitting the return of the Madras troops to the coast of Coromandel, both for assistance against Hyder, and to lessen the pressure upon the Bombay finances.

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After maintaining their post with little disturbance at the head of the Ghauts till the 17th of April, the English descended secretly during the night. The difficulty of supplying the troops with provisions, while the enemy, it was found, could descend by other passes, and intercept their convoys; together with the expense of fortifying the post at the top of the Ghauts, appeared to surpass the advantage of maintaining it. The enemy descended in pursuit the following day. The route from the bottom of the hills to the coast was about twenty four miles, through a country full of bushes, thickets, and narrow defiles. This was highly favourable to the irregular and unexpected assaults of the Mahrattas, who greatly harassed the English during the three days of the march, but though several lives were lost, and among the rest that of Colonel Parker, the second in command, no material impression was made, nor any loss sustained of the baggage and stores. The Mahratta army re-ascended the Ghauts and the English, left in possession of Concan, prepared, with the Madras detachment which the reduced state of the battalions now rendered it desirable to retain, to remain at Callian through the approaching monsoon.¹

On the Bengal side of the Mahratta country, it was determined, notwithstanding the eminent services of Major Popham, to supersede that officer in the command, and relieve his corps by that of Colonel Carnac, who, having already advanced into the territory of the Rana of Gohud, was, about the beginning of the year 1781, commanded to penetrate at the head of five battalions of sepoy, towards Oogrein the capital of Scindia. The force employed in this service, as it was too small to prevent Holkar from

¹ Sixth Report of the Committee of Secrecy 1789, p. 100—115, with the official documents in its voluminous appendix.

returning to assist in turning the balance against Goddard, so it was too feeble to intimidate even Scindia alone, and seems to have been saved from destruction, or at any rate from flight, by nothing but a fortunate exploit. Having reached Seronge, in the month of February, it was surrounded by a powerful enemy; its supplies were cut off; it was harassed on all sides; the princes, expected to join it, stood aloof, it was reduced to distress for want of provisions, and the commanding officer was obliged to apply by letter for the troops stationed at Futtyghur, under Colonel Muir, to enable him to retreat into the country of the Rana. Colonel Muir arrived at Gohud on the 29th of March. But before this time Colonel Carnac was reduced to such extremity, that on the 23d of the same month he had summoned a council of war, in which Captain Bruce, the officer who commanded the storming party at the taking of Gualior, recommended, as the only possible means of preserving the army, to make that very night an attack upon the camp of Scindia. After some debate and hesitation, the resolution was adopted. At sunset on the 24th, the army moved from their ground, and after a march of thirteen hours arrived at the camp. The surprise was, happily, complete; and all the terror and confusion ensued which usually result from a nocturnal assault unexpectedly falling upon a barbarian army. The enemy dispersed, and fled in disorder, leaving several guns and elephants, with a quantity of ammunition, in prize to the victor.

Colonel Muir was so retarded, by want of cattle for the conveyance of provisions, and by other difficulties,¹ that he arrived not at Antry till the 4th of April; and, as senior officer, upon joining Carnac, he

¹ "Difficulties beyond conception," they are called by Mr Hastings. See his "Answer to the Fourteenth Charge."

BOOK V assumed the command In order to overcome the
 CHAP 6 backwardness of the Rana of Gohud whom the appa-
 1781 rent feebleness of the English led to temporize, and
 even to intrigue with Scindia, directions were given
 to place him in possession of the fort of Gualior
 which had been professedly taken only for him
 Though the English were now enabled to remain
 within the territory of Scindia, they were too feeble
 to undertake any active operations and spent several
 months in vain endeavours to induce the Rana of
 Gohud, and the neighbouring chieftains, to yield
 them any efficient support In the mean time the
 army of Scindia lay close to that of the English,
 which remained at Sissau a place within the Mah-
 ratta dominions, several days march beyond the fron-
 tiers of Gohud The Mahratta horse daily harassed
 the camp and cut off the supplies And the troops
 were reduced to great distress, both by sickness and
 want of provisions Happily the resources of Scin-
 dia, too, were not difficult to exhaust and he began
 seriously to desire an end of the contest About the
 beginning of August, an overture was made, through
 the Rana of Gohud which the English commander
 encouraged and on the 16th of that month an
 envoy from Scindia with powers to treat arrived in
 the English camp Similar powers were transmitted
 to Colonel Muir Negotiation commenced and on
 the 13th of October a treaty was concluded All the
 territory which the English had conquered on the
 further side of the Jumna was to be restored to Scin-
 dia On the other part Scindia was not to molest
 the chiefs who had assisted the English or to claim
 any portion of the territory which the English had
 annexed to the dominions of the Rana of Gohud It

was also agreed, that Scindia should use his endeavours to effect a peace between the English and their enemies, Hyder Ali, and the Peshwa.¹

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During these proceedings the Governor-General and Council were involved in other affairs of no ordinary importance.

When the wisdom of parliament embraced the subject of the government of India, and by its grand legislative effort, in 1773, undertook to provide, as far as it was competent to provide, a remedy both for the evils which existed, and for those which might be foreseen, a Court of Judicature was created, to which the title of Supreme was annexed, and of which the powers, as well as the nomination of the judges, did not emanate from the Company, but immediately from the King. It was framed of a Chief Justice and three puisné Judges; and was empowered to administer in India all the departments of English law. It was a court of common law, and a court of equity, a court of oyer and terminer, and goal delivery, an ecclesiastical court, and a court of admiralty. In civil cases, its jurisdiction extended to all claims against the Company, and against British subjects, and to all such claims of British subjects against the natives, as the party in the contract under dispute had agreed, in case of dispute, to submit to its decision. In affairs of penal law, its powers extended to British subjects, and to another class of persons, who were described, as all persons directly

¹ Hastings' Answer, ut supra, A retrospective View, and Consideration of India Affairs, particularly of the Transactions of the Mahratta War, from its commencement to the month of October, 1782, p 72. The author of this short narrative has evidently enjoyed the advantage of access to the records of the Bombay government. Some particulars have been gleaned in the "Memoirs of the late War in Asia." See also the copy of the Treaty with Scindia, in the Collection of Treaties, with the Princes of Asia, printed by the E I C in 1812, p 97.

BOOK V or indirectly in the service of the Company, or of any
 CHAP 6. British subject, at the time of the offence

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In the establishment of this tribunal, the British legislature performed one important act of legislative wisdom. They recognized, and by adopting they sanctioned, the principle, that to leave any part of the emoluments of judges, as so great a portion of them in England is left, to be made out of fees extracted from the suitors in their own courts, is an abuse—an infallible cause of the perversion of judicature. They enacted that a sufficient salary should be fixed for the judges—that no additional emolument, in the shape of fees, or in any other, should accrue from their judicial functions. A sure temptation to exert, for the multiplication of suits and of their expenses, the great powers of judges, was so far, accordingly, taken away, and that oppression which is inflicted upon the public by the unnecessary delay, vexation and expense of judicial proceedings, was in part deprived of its fundamental and most operative cause.¹

On the principal ground, however, the parliament, as usual, trode nearly blindfold. They saw not, that they were establishing two independent and rival powers in India, that of the Supreme Council and that of the Supreme Court—they drew no line to mark the boundary between them—and they foresaw not the consequences which followed a series of encroachments and disputes, which unnerved the powers of government and threatened their extinction.²

¹ They created fee-fod offices, and had the pretence of them; the class of impostors was not therefore destroyed.

² Mr George Ross, Counsel to the East India Company in the report which he made to the Directors upon the document of 1780 to the House of Commons, entitled *India in 1780*, says: "It is remarkable, that the two principal branches of the Government in this country were mutually

The judges had not been long in the exercise of their functions, when the effects of their pretensions began to appear. The writs of the Supreme Court were issued at the suit of individuals against the Zemindars of the country, in ordinary actions of debt; the Zemindars were ordered to Calcutta to make appearance, taken into custody for contempt if they neglected the writ, or hurried from any distance to Calcutta, and, if unable to find bail, were buried in a loathsome dungeon.¹ In a minute of General Clavering Colonel Monson, and Mr. Francis, dated the 11th of April, 1775, they declare that process of this description had been issued into every part of the provinces. "Zemindars," they add, "farmers, and other proprietors of the lands, have been seized upon their estates, and forcibly brought up to the Presidency, at the suit or complaint of other natives, and detained there, or obliged to give bail, according to the nature of the case" By these proceedings, the minds of the natives were thrown into the utmost consternation and alarm. They saw themselves surrounded with dangers of a terrible nature, from a new and mysterious source, the operations of which they were altogether unable to comprehend The principles of English law were not only different, in many important respects, from those to which they had hitherto been indebted for the protection of every thing which

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unanimous, in every measure taken throughout this unhappy contention This fact will lead a candid mind to look for the source of this contention, not in the temper of individuals, but in the peculiarity of their situation In no country of which I have read, did two powers, like these, ever subsist distinct and independent of each other" See Report of the Committee of the House of Commons in 1781, on the petitions relative to the administration of justice in India, of Touchet and others, of Hastings, and the other members of the Supreme Council, and of the East India Company, General Appendix, No 39

¹ See the description of the horrid gaol of Calcutta, in the First Report of the Select Committee in 1782, see also vol iii p: 149

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they held dear but opposite and shocking to some of their strongest opinions and feelings. The language of that law its studied intricacies and obscurities, which render it unintelligible to all English men, who have not devoted a great part of their lives to the study of it rendered it to the eye of the affrighted Indian, a black and portentous cloud, from which every terrific and destructive form might at each moment be expected to descend upon him. Whoever is qualified to estimate the facility and violence with which alarms are excited among a simple and ignorant people, and the utter confusion with which life to them appears to be overspread, when the series of customs and rules by which it was governed is threatened with subversion, may form an estimate of the terrors which agitated the natives of India when the process of the Supreme Court began to operate extensively among them /

The evils not of apprehension merely, but of actual suffering to which it exposed them, were deplorable. They were dragged from their families and affairs, with the frequent certainty of leaving them to disorder and ruin, any distance, even as great as 500 miles, either to give bail at Calcutta, a thing which if they were strangers and the sum more than trifling, it was next to impossible they should have in their power or to be consigned to prison for all the many months which the delays of English judicature might interpose, between this calamitous stage and the final termination of the suit. Upon the affidavit into the truth of which no inquiry whatsoever was made upon the unquestioned affidavit of any person whatsoever a person of credibility or directly the reverse no difference that the individual prosecuted was within the jurisdiction of the court the natives were seized carried to Calcutta and consigned to

prison, where, even if it was afterwards determined that they were not within the jurisdiction of the court, and of course that they had been unjustly prosecuted, they were liable to lie for several months, and whence they were dismissed totally without compensation. Instances occurred, in which defendants were brought from a distance to the Presidency, and when they declared their intention of pleading, that is, objecting, to the jurisdiction of the court, the prosecution was dropped, in which the prosecution was again renewed, the defendant again brought down to Calcutta, and again, upon his offering to plead, the prosecution was dropped. The very act of being seized was, in India, a circumstance of the deepest disgrace, and so degraded a man of any rank, that, under the Mahomedan government, it was never attempted, except in cases of the greatest delinquency¹

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Not only the alarm which these proceedings diffused throughout the country, but the effects with which they threatened to strike the collection of the revenue, strongly excited the attention of the Company's servants and the members of their government. To draw from the ryots the duties or contributions which they owe, is well known to be a business of great detail and difficulty, requiring the strictest vigilance, and most minute and persevering applications. Any thing which strikes at the credit of the Zemindar, farmer, or other functionary, by whom this duty is performed, immediately increases the difficulty, by encouraging the ryot in the hope of defeating the demand by evasion, cunning, obstinacy or delay. The total absence of the functionary, called away to attend the proceedings of the Supreme Court, his

¹ See the evidence of Mr Ewan Law, Report of the Committee on Touchet's Petition, &c p 19

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forcible removal or the ignominious seizure of his person, went far to suspend the collections within his district, and to cut off the source of those payments for which he was engaged to the Company

It had been the immemorial practice in India, for that great branch of the government entrusted with the collection of the revenue, to exercise the department of jurisdiction which regarded the revenue, to decide in that field all matters of dispute, and to apply the coercive process which was usual for enforcing demands. These powers were now exercised by the Provincial Councils, and the courts established, by the name of Duannee Adaulut, under their authority. The mode of decision was summary, that is, expeditious, and unexpensive and the mode of coercion was simple, and adapted to the habits and feelings of the people. One or more peons, a species of undisciplined soldiery, employed in the collections, was set over the defaulter, that is, repaired to his house, and there watched and restrained him, till the sum in demand was discharged. In a short time the Supreme Court began to interfere with these proceedings. The defaulters were made to understand by the attorneys who had spread themselves pretty generally through the country, that if they would throw themselves upon the Supreme Court they would obtain redress and protection. They were taught, as often as any coercive process was employed by the judges of revenue to sue out a writ of Habeas Corpus in the Supreme Court where it was held competent, and was in practice customary for the judges to set them at liberty upon bail. This excited still more violently the apprehensions of the members of government in regard to the collection of the revenue. As the disposition to withhold the payment is universal and unremitting in India, and never fails to lay hold

of every occasion which affords any chance either of delay, or evasion, they apprehended that such a resource, held up to the people, would breed a general tendency; and they concluded, with justice, that if in the innumerable cases in which compulsion was necessary, it could only be exercised through the tedious, laborious, and expensive forms of English law, the realizing of a revenue in India was a thing altogether impossible.

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While the Company exercised the office of Duan, in other words, that department of government which regarded the collection of the revenue, and in civil cases the administration of justice, they had been careful to keep up the appearance of the Nizamut, or remaining branch of the ancient government, in the person of the Nabob; and to him, the penal department of judicature, under the superintendence of the Naib Duan, or deputy Nabob, appointed by the Company, had in particular been entrusted. To this government of the Nabob; which, though totally dependent upon the servants of the Company, and subservient to their will, was yet the instrument of a great portion of all that security for order and protection which existed in the country; the Supreme Court declared, that they would pay no regard. In their representation, under date of the 15th of January, 1776, the Governor and Council complain to the Court of Directors, that Mr Justice Hyde had declared publicly on the bench, "The act of parliament does not consider Mubaruck al Dowla as a sovereign prince. The jurisdiction of this court extends over all his dominions:" That Mr. Justice Le Maistre had said, "With regard to this phantom, this man of straw, Mubaruck al Dowla, it is an insult on the understanding of the Court, to have made the question of his sovereignty: But it comes from

BOOK V the Governor General and Council I have too much
 CHAP 6. respect for that body to treat it ludicrously, and I
 1781 confess I cannot consider it seriously " And that the
 Chief Justice had treated the Nabob, " as a mere
 empty name, without any real right, or the exercise
 of any power whatsoever " /

By these pretensions, the whole of that half of the
 powers of government which were exercised in the
 name of the Nabob, were taken away and abolished.
 By another set of pretensions, the same abolition
 was effected of the other half, which, in the cha-
 racter of Duan, were exercised in the name of the
 Company

In the same address, the Governor-General and
 Council add the following statement " Mr Le
 Maistre, in his late charge to the grand jury, de-
 clares that a very erroneous opinion has been formed
 by the Governor-General and Council, distinguishing
 the situation of the East India Company, as Dewan,
 from the common condition of a trading company he
 makes no scruple of avowing a decided opinion, that
 no true distinction, in reason, in law, or justice, can
 or ought to be made between the East India Com-
 pany as a trading company and the East India Com-
 pany as Dewan of these provinces With respect to
 the management of the territorial revenue, he is
 pleased to declare that the only true interpretation of
 the act of parliament is, that our management and
 government is not exclusive, but subject to the ju-
 risdiction of the King's Court and that it will be
 equally penal for the Company or for those acting
 under them to disobey the orders and mandatory
 process of the King's Court, in matters which merely
 concern the revenues as in any other matter or thing
 whatsoever " The Governor and Council then de-
 clare, ' By the several acts and declarations of the

judges, it is plain, that the Company's office of Dewan is annihilated; that the country government is subverted; and that any attempt on our part to exercise or support the powers of either, may involve us and our officers in the guilt and penalty of high treason; which Mr. Justice Le Maistre, in his charge, expressly holds out, *in terrorem*, to all the Company's servants and others, acting under our authority." ✓

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It would be difficult in any age or country to discover a parallel to the conduct which this set of judges exhibited on the present occasion. Their own powers, as it was impossible for them not distinctly to see, were totally inadequate to the government of the country; yet they proceeded, contrary to the declared, though badly expressed, intention of the legislature, to avail themselves of the hooks and handles,¹ which the ensnaring system of law, administered by them, afforded in such abundance, to draw within their pale the whole transactions of the country; not those of individuals only, but those also of the government. That this was to transfer the government into their hands is too obvious to require illustration. When a government is transferred from one to another set of hands, by a simple act of despotism, every branch of authority is directly supplied; the machine of government remains entire; and the

¹ The following is an amusing instance. The Provincial Council of Dacca, the grand administrative and judicative organ of government, for a great province, is thus treated. "Who are the Provincial Chief and Council of Dacca? They are no *Corporation* in the eye of the law. .. The Chief and Provincial Council of Dacca is an ideal body. A man might as well say that he was commanded by the King of the Fairies, as by the Provincial Council of Dacca, because the law knows no such body." Argument and Judgment of Mr. Justice Le Maistre, on the return to Seroopchund's Habeas Corpus. Report, ut supra, General Appendix, No 9. See for another specimen, equally beautiful, a few pages onwards, the maxim *Delegatus non potest delegare*

BOOK V mischief may be small, or the advantage great. But
CHAP. 6. when the wheels of government were threatened to be
 1781 stopped by the technical forms of a court of English
 law, and when nothing but those forms, and a set
 of men who could ostensibly perform nothing but
 through the medium of those forms and the pretence
 of administering justice, was provided to supply the
 place of the government which was destroyed, a total
 dissolution of the social order was the impending con-
 sequence. ✓ The system of English law was so incom-
 patible with the habits, sentiments, and circumstances
 of the people, that, if attempted to be forced even
 upon that part of the field of government which be-
 longed to the administration of law, it would have
 sufficed to throw the country into the utmost disor-
 der, would have subverted almost every existing
 right, would have filled the nation with terror and
 misery, and being, in such a situation, incapable of
 answering the purposes of law, would have left the
 country in a state hardly different from that, in
 which it would have been, under a total absence of
 law. But when the judges proceeded to apply these
 forms to the acts of government, the powers of ad-
 ministration were suspended and nothing was pro-
 vided to supply their place. Either with a blind ig-
 norance of these consequences which is almost in-
 credible, unless from our experience of the narrow-
 ness which the mind contracts by habitual application
 to the practice of English law, and by habitual indul-
 gence of the fancy that it is the perfection of reason
 or, with a disregard of these consequences for which
 nothing but a love of power too profligate to be
 stayed by any considerations of human happiness or
 misery is sufficient to account; the judges proceeded
 with the apparent resolution of extending the *jura*

diction of their court, and leaving as little as possible of the business of the country exempt from the exercise of their power.

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✓To palliate the invasions which they made upon the field of government, they made use of this as an argument, that the great end of their institution was to protect the natives against the injustice and oppression of the Company's servants, and that without the powers which they assumed, it was impossible for them to render to humanity this eminent service. But to force upon the natives the miseries of English law, and to dissolve the bands of government, was to inflict upon the people far greater evils, than those from which they pretended to relieve them. If the end proposed by the legislature was really to protect the natives from the injustice of Englishmen, they made a very unskilful choice of the means.

The representations, upon this subject, which the Governor-General and Council transmitted to England, induced the Court of Directors, in the month of November, 1777, to lay a statement of the case before the Ministers of the Crown. The supposed dignity of a *King's Court*, as it inflated the pretensions of the Judges, who delighted in styling themselves King's Judges; contrasting the source of their own power with the inferior source from which the power of the Governor-General and Council was derived, so it imposed awe and irresolution upon the Court of Directors. They ventured not to originate any measure, for staying the unwarranted proceedings of the Supreme Court, and could think of no better expedient, than that of praying the ministry to perform this important service, in their behalf.

The Directors represented to the ministry, that the Zemindars, farmers, and other occupiers of land, against whom writs, at the suit of natives, had been

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issued into all parts of the provinces, it was not the intention of the legislature to submit to the jurisdiction of the Supreme Court that the proceedings, by which they were hurried to a great distance from their homes, their persons arrested, and a long confinement in the common gaol inflicted upon them appeared to be replete with irregularity and injustice that the parties are "sure to suffer every distress and oppression with which the attorneys of the court can easily contrive to harass and intimidate them," before the question whether they are subject or not to the jurisdiction of the court can be so much as broached that, after pleading to the jurisdiction, they are sure of an adverse decision, "unless they are able to prove a negative that is, unless a native of Bengal is able from an act of parliament which the Governor General and Council have declared liable to different constructions, to prove himself not subject to the jurisdiction of the Supreme Court," that, the consequences were in the highest degree alarming as almost all the Zemindars in the country standing in the same predicament felt themselves exposed to the same dangers as the disgust and hatred of the natives were excited by the violation of their customs and laws and the collection of the revenue was impeded and even threatened with suspension

They represented also That the Supreme Court beside extending its jurisdiction to such *persons* had extend it also to such *things* as it was clearly the intention of the legislature to exempt from it; That these were "the ordering management and government of the territorial revenues" including the powers which that ordering and government required That over this department the whole Bench of Judges had declared their resolution to exercise a power, superior

to that of the Company : That, accordingly, the process of the ordinary Revenue Courts was opposed; persons whom they had confined being released by the Supreme Court; suits which were cognizable in none but the Revenue Courts being instituted and entertained in the Supreme Court; prosecutions being carried on by the Supreme Court against the Judges of the Revenue Courts, for acts done in the regular performance of the business of the Court; farmers of the revenue, who had fallen into arrear, refusing to obey the process of the Revenue Courts, and threatening the Judges with prosecution in the Supreme Court, if any coercive proceedings were employed. That in consequence of these acts, in some instances, the operation of the Dewanee Courts was suspended, in others, the very existence of them destroyed: And that the Governor-General and Council, in their capacity of a Court of Appeal or Sudder Dewanee Adaulut, were discouraged from the exercise of this important jurisdiction, under the apprehension that their powers might be disputed, and their decrees annulled.¹

Under the third head of complaint, the Directors represented, That the Supreme Court had, on the pretext of requiring evidence, demanded the production in Court of papers liable to contain the most

¹ See vol iii p 470, for the rank which was assigned to this, in the Catalogue of Provisions for giving to the people of India the benefits of law. From the first arrival of the Judges of the Supreme Court, the Court of Sudder Duannee Adaulut never acted, and for all that number of years, which intervened till a new regulation, nothing was provided to supply its place. A correspondence on the subject between the Council and the Supreme Court took place in the year 1775. The Court said, that the Council had a right to receive appeals in all cases in which the Provincial Councils had a *legal* jurisdiction. This the Council treated as a denial of any right at all as the Court, by not telling what they meant by "legal," and reserving to themselves a right of deciding, without rule, on each case which occurred, had the power of deciding just as they pleased.

BOOK V secret transactions of the government that the Sec-
 Chap 6 retary of the Council was served with the writ
 1781 called a *sub-pœna duces tecum* and attending the
 Court without the papers was informed that he had
 brought upon himself all the damages of the suit that
 upon his representing the impossibility of his pro-
 ducing in Court the records of the Council which the
 Council had forbidden to be so produced he was or-
 dered to declare which of the Members of the Coun-
 cil voted for the refusal of the papers, and which (if
 any) for the production that upon his demurring to
 such a question a positive answer was demanded, and
 every Member of the Council who had concurred in
 the refusal was declared to be liable to an action,
 that the Council agreed to send such extracts as had
 a reference to the matter in dispute but persisted in
 the refusal to exhibit their records that of this
 species of demand various instances occurred and
 that it was manifestly impossible for the Board to
 deliberate and act as a Council of State, and as the
 administrative organ of government if publication of
 their minutes might at any time be called for and if
 every Member was answerable in an action of da-
 mages for any measure in which he concurred to as
 many persons as might think themselves aggrieved
 by it.

In the fourth place the Directors represented
 That the penal law of England was utterly repug-
 nant to those laws and customs by which the people
 of India had been hitherto governed that neverthe-
 less, Maha Rajah Nuncomar, a native of high rank
 in Bengal was indicted, tried convicted, and ex-
 ecuted for an offence, which was not capital by the
 laws of the country where the offence was committed
 that if the Court was unable to mitigate the punish-
 ment, it might have deemed it prudent to use its

power of respiting the prisoner until the pleasure of the King was known; that this the Directors “con-
ceived to be a matter of the most serious importance, and big with consequences the most alarming to the natives of India, that the Judges seemed to have laid it down as a general principle, in their proceedings against Nuncomar, that all the criminal law of England is in force, and binding, upon all the inhabitants within the circle of their jurisdiction in Bengal.” The Directors, therefore, adjure the Minister to consider what will be the consequences, if this principle, and the example grounded upon it, were followed up with consistency. “Can it be just,” they say, “or prudent, to introduce all the different species of felony, created by what is called the *Black Act*?—or to involve, as what is called the *Coventry Act* involves, offences of different degrees in one common punishment?—or to introduce the endless and almost inexplicable distinctions by which certain acts are or are not burglary.” They ask, whether Indian offenders, of a certain description, were to be transported to his Majesty’s colonies in America, or sent to work upon the river Thames? And whether every man convicted for the first time of bigamy, “which is allowed, protected, nay almost commanded by their law, should be burnt in the hand if he can read, and hanged if he cannot read?” “These,” they add, “are only some of the consequences which we conceive must follow, if the criminal law of England be suffered to remain in force upon the natives of Bengal. If it were legal to try, to convict, and execute Nuncomar for *forgery*, on the statute of George II., it must, as we conceive, be equally legal, to try, convict, and to punish the Subahdar of Bengal, and all his court, for *bigamy*, upon the statute of James I”

On the 2d of January, 1777, a suit was instituted

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BOOK V before the Provincial Council at Patna, which afford
 CHAP 6 ed occasion to the Supreme Court of carrying the
 1781 exertion of their powers to a height more extraordinary than they had before attempted. A person of some distinction and property, a native Mahomedan died, leaving a widow, and a nephew, who for some time had lived with him, in the apparent capacity of his heir, and adopted son. The widow claimed the whole of the property, on the strength of a will, which she affirmed the husband had made in her favour. The nephew, who disputed the will, both on the suspicion of forgery, and on the fact of the mental imbecility of his uncle for some time previous to his death, claimed in like manner the whole of the estate as adopted son and heir of the deceased.

For investigation of the causes the decision of which depended upon the principles of the Mussulman law, the Provincial Councils were assisted by native lawyers, by whose opinion in matters of law it was their duty to be guided. In the present instance, the Council of Patna deputed a Cauzee and two Mustees by a precept, or perwannah, in the Persian language, directing them to take an account of the estate and effects of the deceased, and secure them against embezzlement to inquire into the claims of the parties to follow strictly the rules of Mahomedan law and report to the Council their proceedings. In all this, nothing appeared which was not reasonable and which was not according to the approved and established mode of procedure.

On the 20th of January, the Cauzee and Mustees having finished the inquiry delivered their report in which after a statement of the evidence adduced they declare their opinion, that neither the widow, nor the nephew had established their claims and that the inheritance should be divided according to the prin

ciples provided by the Mahomedan law for those cases in which a man dies without children and without a will; in other words, that it should be divided into four shares; of which one should be given to the widow; and three to the brother of the deceased, who was next of kin, and father of the nephew who claimed as adopted son. Upon a review of the proceedings of the native Judges, and a hearing of the parties, the Provincial Council confirmed the decree, and ordered the division of the inheritance to be carried into effect. They did more: As it appeared from the evidence that part of the effects of the deceased had been secreted by the widow before they could be secured by the Judges, and that both the will, and another deed which she produced, were forged, they put her five principal agents under confinement, till they should account for the goods; and directed that they should be afterwards delivered to the Phousdary, to take their trial for forgery.

It is to be observed, that the widow had opposed all these proceedings, from the beginning, not by course of law, but such irregular and violent acts, as suggested themselves to an angry and ignorant mind. When called upon by the Cauzee to appoint, in the usual manner, a vakeel, or representative, to act in her behalf, she positively refused; and when the Cauzee recommended to her a relative, who had lived in the house, was much in her confidence, and acted as her principal agent, she persisted in her refusal, but sent her seal, with a message that the Judges might appoint him if they pleased. Upon the arrival of the Cauzee and Muftees to carry the decree of the Council into execution, the widow resisted. The Cauzee and Muftees proceeded to enforce the orders under which they acted. The

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BOOK V widow, contrary to their request and remonstrance,
CHAP 6 left the house, and betook herself to an asylum of

1781 Fakeers, which was in the neighbourhood carrying along with her certain title deeds and the female slaves. The Cauzee and Mustees divided the remaining effects, upon the valuation of appraisers mutually chosen by the parties into four shares, of which the vakeel of the widow chose one for her and the rest were set apart for the brother of the deceased. The widow refused to submit to the decision or to 'accept of her share. She also refused to give up the title deeds, which she had carried away, or the female slaves. In consequence of this proceeding, a petition was presented to the Council, by the nephew representing that she had not complied with the decree, but by absconding reflected, according to the Mahomedan ideas, disgrace upon the family and praying that she might be compelled to deliver up the papers and slaves, and to return to the house under his protection as representative of the heir. An order was directed by the Council to comply with this request. After some time another petition was presented by the nephew, complaining that the Cauzee and Mustees had not yet complied with the injunctions of the Board. Upon this the Council agreed that the Cauzee should be reprimanded for his delay, and directed to proceed immediately in the execution of his orders. The Cauzee represented by memorial, that he had not only made frequent demands upon the widow but had placed hircarrals to watch her and that in his opinion that species of constraint which was authorised by the Mussulman law, and customary in the country namely restriction from all intercourse by a guard of soldiers, was necessary to be applied. The guard was ordered,

and continued for a space of six weeks. The widow still refused compliance; and at that time the guard was withdrawn.

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The widow was advised to bring an action in the Supreme Court, against the nephew, the Cauzee, and Muftees, on the ground of their proceedings in the cause; and laid her damages at 600,000 sicca rupces, about 66,000*l*. The objection taken, on the part of the nephew, to the jurisdiction of the Court, the Judges overruled, on the pretence that every renter was a servant of the Company¹. The justification set up for the Cauzee and Muftees was, that they had acted regularly, in their judicial capacity, in obedience to the lawful orders of their legal superiors; that the Provincial Councils were vested with a power of determining suits between the natives, with the advice and assistance of the native lawyers; that the established mode in which the Provincial Councils availed themselves of that advice and assistance was, by directing them to hear the parties, to collect the evidence, and to deliver in a report of the whole, comprehending their opinion of the decision which ought to be pronounced; which decision the Council, upon a review of the whole, or with the addition of such other inquiries as they might think the case required, affirmed, or altered, subject only to an appeal to the Governor and Council, and that a Judge acting in his judicial capacity could not be responsible in damages to those who might suffer by the execution of his decrees.

This defence, which to the eye of reason appears

¹ This decision greatly increased the alarm among the farmers and other landholders. In the province of Bahar they joined in a petition to the Governor and Council, praying for protection against the process of the Supreme Court, or, if that could not be granted, for leave to relinquish their farms, that they might retire into another country. Report, ut supra, p. 8, Patna Appendix, No. 14.

BOOK V appropriate and irrefragable, the Court treated with
 CHAP. G. the utmost contempt and upon a ground which
 1781 rouses surprise and indignation. A form of words, among the numerous loose expressions, which fall from the lips and pens of English lawyers, without any binding authority, or any defined and consistent application occurred to the judges. This was the phrase, *Delegatus non potest delegare*, "he who is delegated cannot delegate." And upon this, and no other reason, so much as alleged, they decreed, that the Cauzee and Mustees, for acting regularly acting as they were obliged to act, and had in fact been accustomed to act ever since the jurisdiction of the country had passed under English control, were liable to actions of damages at the suit of every person whom their proceedings displeased, that is, one at least of the parties in almost every cause. It would be absurd, to attempt, by illustration to render more apparent the deformities of this proceeding. To quote a maxim of English law, though ever so high in authority, and invariable in its force, as a ground for committing in India a flagrant violation of natural equity, against persons who knew not the English law, nor owned its authority, was an act of chicane which the history of judicial encroachments rich as it is in examples of injustice cannot frequently surpass. It is, however a maxim of which even where admissible the authority is so little determined that, like many more, with which the appetite of judges for power is in England so quietly gratified, it has just as little weight or as much as in such particular instance, the judge may happen to please. And in a variety of remarkable cases the established course of English law goes directly against it.¹

¹ In Chancery, for example when cases are referred by the Chan-

Deciding, upon the strength of this assemblage of words, that the provincial council could not delegate any authority to the native magistrates, even as their agents; and hence that every thing which these assistant magistrates had performed was without authority, the Supreme Court thought proper to enter minutely and laboriously into the whole of the case, and, after voluminous proceedings, gave judgment against the defendants, damages 300,000 rupees, and costs 9208, amounting to the sum of about 35,000*l*.¹

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At the commencement of the suit a *capias* was granted, with a bailable clause. A bailiff proceeded from Calcutta, and arrested at Patna the nephew, and also the Cauzee, as he was returning from his duty in one of the courts of justice. The bail demanded was 400,000 rupees, or about 44,000*l*. The Council of Patna, struck with consternation, at the probable effects of so extraordinary a procedure, upon the minds of the people, upon the authority of government, upon the collection of the revenue, and upon the administration of justice, which it threatened to stop, by deterring the native lawyers and judges from yielding their services, resolved, as the best expe-

cellor to the Master, when commissions are issued to examine witnesses, &c. in the common law courts, when cases are sent to arbitration, &c.

¹ In the judicial investigation, all the chicanery which two of its fruitful sources, the formalities about notice, and the rules of evidence, afford, was played off, with decisive effect, upon the defendants. Mr Rous, in his Report quoted above, says, "When they attempted to mitigate the damages, by showing the circumstances, they were embarrassed by the defects of their notice, afterwards by the rules of evidence. Particularly, they were not able to prove the personal delegation of an authority to act for her, by a woman of rank, who could not appear without disgrace; the public acts of her nearest relations in the house being rejected as no legal evidence of her consent. With this defect fell the whole of the exculpation. Lesser difficulties arose from some papers not being translated, others being fair copies, when the foul draughts were the originals." Patna App No 39. The Patna Appendix is a rich mine of information respecting the beauties of English law.

BOOK V dient which the nature of the case afforded, to offer
 CHAP. 6 bail for the prisoners, who, after a confinement of
 1781 some time in boats upon the river were enlarged
 The Governor-General and Council, as soon as they
 were informed of these proceedings, resolved, "That
 as the defendants are prosecuted for a regular and
 legal act of government in the execution of a judicial
 decree (except one of them,¹ the plaintiff in the suit be
 fore the Dewannee Adaulut at Patna, whose arrest
 is not for any apparent cause) they be supported and
 indemnified by government from all consequences
 from which they can be legally indemnified"² Judgment
 being given, the defendants were put under a
 guard of Sepoys, that they might be conveyed to
 Calcutta to be surrendered The Cauzee, an old
 man, who had been chief Cauzee of the province for
 many years, was unable to endure the vexation and
 fatigue, and he expired by the way The rest were
 carried to Calcutta, and lodged in the common gaol,
 where they remained till relieved by the interference
 of the British parliament in 1781 By that authority
 a pecuniary compensation was awarded to them for
 their losses and hardships, and the Mustees were or-
 dered to be not only reinstated in their former situation
 and condition, but to be elevated to the office of
 Mahomedan counsellors to the court and council of
 Patna

The Supreme Court and the widow were not satis-
 fied with these proceedings against the native magis-
 trates An action was also brought against Mr Law,
 and two other members of the provincial council at

¹ I. e. the nephew

² The Governor-General, though in his opinion, the examination of
 witnesses was a part of the procedure which the Council should not have
 delegated, not only affirmed the power of delegation, but his conviction
 of the justice of the decision to which in this case the Council had

Patna. As this prosecution was instituted for official acts performed in the Company's service, the Governor-General and Council thought it fit that the Company should bear the burden of their defence. Here too the court decided in favour of the party who brought it jurisdiction; and awarded damages to the amount of 15,000 rupees; which money was paid from the Company's treasury.

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It was in this manner that a thirst for jurisdiction incited the English judges to interfere with the administration of justice in the native *civil* courts. The following is the manner in which it induced them to interfere with the jurisdiction of the native *criminal* courts. From a former statement it will be recollected, that the system of criminal judicature among the natives had been left by the Company nearly upon the footing, on which they found it, and on which it had long been established in the country. It was a branch of authority which was reserved to the Nabob, in his character of Nazim. The judges of the courts (they were known by the name of Phousdary Courts) were appointed by the Naib Subah, or Nabob's deputy, by whom their proceedings were reviewed and controled. They were entirely independent of all other authority; and it does appear that, considered as Indian, justice was administered in them without any peculiar strain of abuse. About the middle of the year 1777, an attorney of the Supreme Court took up his residence at Dacca. In the month of September of that year this attorney proceeded to execute a process of arrest, issued by one of the judges of the Supreme Court, against the Duan, or principal public officer of the Phousdary Court at Dacca. The process was issued at the suit of a man of the low rank of a *pyhe*, or messenger, who had been prosecuted in the Phousdary Court for

BOOK V a misdemeanor, convicted, and confined till he made
 CHAP 6 restitution The action was brought against the
 1781 principal officer of the court, for trespass and false imprisonment, in the execution of this decree A native, employed by the attorney as a bailiff, who proceeded to the house of the Phousdar, or chief criminal judge, entered the hall of audience, in which the Phousdar was sitting, with several of his friends and the principal officers of his court and attempted, in a violent and disrespectful manner, to seize the person of his Duan, or principal agent It is to be observed, that, in India, a man considers an indignity offered to his servants, as in reality offered to himself No writ or warrant it was affirmed was produced by the bailiff and he was not allowed to perform the arrest Upon this the attorney proceeded to the house of the Phousdar in person, accompanied by a crowd of attendants and entered it in a forcible manner, by breaking down the gate To see violated the sanctuary of his house, the mysterious repository of his wives, is a disgrace to a Mussulman more dreadful than death The reserve of Eastern manners and the respect bestowed upon the very walls which contain the sacred deposit of the master render the forcible entrance of a house an event which occurs only in the exercise of the most violent hostility It is one of the last outrages which may be expected at the hands of an implacable foe When the Phousdar of Dacca, therefore beheld his gate broken down, and an irregular crowd of men burst into his house, the greatest calamity which could befall him rushed naturally upon his apprehension and he proceeded to repel a danger which every honourable Mussulman would resist at the expense of his life An affray arose in the court of the house The father of the Phousdar received a wound in the head

from a sword, by an attendant of the attorney, and the brother-in-law of the Phousdar was dangerously wounded in the body, with a pistol-shot by the attorney himself.

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Mr Justice Hyde, one of the judges of the Supreme Court, wrote, after hearing of these facts, to the military officer upon the spot, instructing him to afford assistance to the attorney; and adds, "I beg the favour of you, for fear my letters to him should not be suffered to come safe, to tell him, that I highly approve his conduct, and doubt not that he will receive proper support from the court whose officer he is."¹

It is unnecessary in this case any further to pursue the proceedings of the attorney or his court. The Provincial Council gave bail for the Duan; transmitted to the Governor-General and Council an account of the facts; and they concluded their letter in the following words: "It is fitting we should point out to your notice, that all criminal justice is at a stand, and seems not likely to be resumed, until the decisive consequences of the present disputes shall be publicly declared and known. It touches to the very existence of government throughout the province, that the jurisdiction of the Phousdar, and his superior, the Naib Subah, be admitted; free from all doubt or ambiguity. How, otherwise, can it be supposed, a Phousdar will perform any function of his office? How presume to execute a criminal convicted, and sentenced to death by the established laws of the government and his religion, if he is liable himself to stand to actions of damages, or to answer to a criminal accusation, according to the laws of England, for any punishment he may inflict? Paint to your-

¹ Report, *ut supra*, p. 24.

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selves, gentlemen, the anarchy and distraction which may arise, if the present uncertainties are not effectually removed?"

In England, one of the notions which judges, and other lawyers, are in a most particular manner eager to stamp upon the public mind is, That the administration of justice is to a most astonishing degree sensitive and delicate That the acts and character of judges should be treated with exquisite, indeed a religious, respect That they can hardly bear to be exposed to criticism, or blame, in the slightest degree And that, if the criticism is to any considerable degree searching and severe, it ought to be repressed and punished however just, with terrifying penalties. This doctrine, which is so very palatable to the judges in England, and so very favourable to all the abuses of their power, we see in what respect they themselves retain when their power may be enlarged, by trampling upon it in the dust by annihilating the power and the dignity of the whole order of judges by whom law was administered to a great people

These are specimens of the manner in which the Supreme Court in India attempted to carry their pretensions into effect And specimens are all which here it is possible to adduce A summary of the principal instances in one department, I am happy to be able to present in the words of Mr Roux, the great law officer of the Company themselves ' Persons confined by the courts of Dewance Adaulut are collusively arrested by process from Calcutta or removed by *Habeas Corpus* where the language is as unknown as the power of the court The process is abused to terrify the people frequent arrests made for the same cause and there is an instance of the purchaser of a Zemindary near Dacca who was

ruined by suits commenced by paupers, suits derived from claims prior to his purchase, and who was at last condemned in considerable damages for an ordinary act of authority in his station. Hence the natives of all ranks become fearful to act in the collection of the revenues. The renters, and even hereditary Zemindars, are drawn away, or arrested at the time of the collections, and the crops embezzled. If a farm is sold, on default of payment, the new farmer is sued, ruined, and disgraced. Ejectments are brought, for land decreed in the Dewannee Adaulut. A Talookdar is ruined by the expense of pleading to the jurisdiction, though he prevails. And, in an action, where 400 rupees were recovered, the costs exceeded 1600 rupees. When to these abuses, incident to the institution of the court itself, and derived from distance, and the invincible ignorance of the natives respecting the laws and practice of the court, we add the disgrace brought on the higher orders, it will not, perhaps, be rash to affirm, that confusion in the provinces, and a prodigious loss of revenue, must be the inevitable consequences of upholding this jurisdiction. The Zemindar of Duckensavagepore, upon pretence that he had been arrested, and afterwards rescued, has his house broke open, and even the apartments of his women rudely violated. Another Zemindar surrenders himself to prison, to avoid the like disgrace to his family "

" We have seen with astonishment," say the Governor-General and Council, " process of contempt ordered in one instance, and civil process issue in another, against the Naib Nazim of these provinces residing at Moorshedabad, a party not owing allegiance to the King, nor obedience to his laws; deriving no benefit or security whatever, in life or member, in fame, liberty, or fortune, from the admi-

BOOK V nistration of justice under the authority of these
 CHAP 6 laws a party, it is worth attention, who is the chief
 1781 magistrate of criminal jurisdiction throughout the
 provinces, and in whose jurisdiction in matters of
 criminal cognizance the judges have not only at all
 times acquiesced, but in a particular instance have
 actually resorted to it, in aid and exoneration of them
 selves ¹

At length a case arose, in which the disputes between the executive and judicial powers arrived at a crisis. Upon the 13th of August, 1779, a suit was commenced in the Supreme Court, against the Rajah of Cossijurah, by Cossinaut Baboo, his agent at Calcutta. Upon the affidavit of Cossinaut, a capias was ordered to issue, in which bail to the amount of \$5,000/ was allowed to be taken. The Rajah absconded, to avoid the execution of the writ, and was unable to fulfil his duty, as Zemindar, in the government of the country, and the collection of its revenues. The writ of capias having been returned as unexecuted, on account of the concealment of the Zemindar, another writ was issued to sequester his land and effects. For the execution of this writ, the Sheriff dispatched to Cossijurah an armed force, consisting of sixty men headed by a serjeant of the court. It was represented by the Rajah, that they entered the house, and endeavoured to pass into the Zenana, or women's apartment that of the servants of the Rajah who attempted to prevent the dishonour of their master several were beaten and wounded; that the party then broke open and forcibly entered his Zenana and plundered his effects that they committed outrages upon his place of reli-

¹ See a very important Letter from the Governor-General and Council to the Court of Directors dated 1st William 3d June 1780 Report at supra General Appendix No. 12

gious worship, and stript it of its ornaments; and that a stop was put to the collections, and the farmers prohibited from paying him their rents.

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Upon the first intimation of this procedure, the Governor-General and Council, by the advice of the Advocate-General, had come to the resolution of instructing the Rajah not to recognise the authority of the court, or to pay obedience to its process; and orders were sent to the officer commanding the troops at Midnapore, to intercept the party of the Sheriff, and detain them in his custody till further orders. The orders arrived too late to prevent the outrage committed upon the house of the Rajah; but afterwards the whole of the party were seized¹

Affairs having come to this extremity, the Governor-General and Council issued a notification, to all Zemindars, Choudries, and Talookdars, in the three provinces, that, except in the two cases of being British servants, or bound by their own agreement, they were not to consider themselves as subject to the jurisdiction of the Supreme Court, or to obey its process, and the provincial chiefs were forbidden to lend a military force to aid the Court in carrying its mandates into effect.

A rule was granted by the Supreme Court to show cause why an attachment should not issue against the Company's attorney and the officers who were immediately instrumental in seizing the Sheriff's officers and their attendants at Cossijurah. The officers were instructed, by the Governor-General and Council to resist the execution of any writ, which had a reference to acts done in obedience to their orders in seizing the persons in question. But the

¹ The substance of this is not denied by the Chief Justice. He only dwells upon the resistance which was offered. See his Letter to Lord Weymouth, Cossijurah Appendix, No. 26

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attorney was committed to the common gaol of Calcutta for contempt, and a criminal prosecution carried on against him. Upon this even Mr Rous remarks,¹ " I am sorry to observe that the judges, at this period, seemed to have lost all temper, particularly in the severe and unexampled manner of confining Mr Naylor attorney to the Company, who merely procured information from the office of the number of men employed by the Sheriff and once gave directions to the valcel of the Zemindar to withhold his warrant of attorney —both, acts done in obedience to the Governor-General and Council."

The Governor General and Council themselves were at last individually served with a summons from the Supreme Court of Judicature to answer to Cosminaut Baboo, in a plea of trespass but finding that the suit was brought against them for acts done in their collective capacity, as the governing organ of the country, they delivered by the Company's counsel, a declaration that they would submit to no proceeding of the Court in any prosecution against them as individuals for acts done by them as Governor General and Council acts to which the jurisdiction of the Court did not extend.

These proceedings were not brought to this stage before the middle of March 1780 and in the meantime a petition to parliament had been prepared and signed by the principal British inhabitants in Bengal against the exercise which the Supreme Court of Judicature made of their power and this together with a petition from the Governor General and members of the Supreme Council and also a petition from the Company itself, was presented in 1780, and referred to the Select Committee which afterwards

¹ Report of Mr Rous *ut supra*.

reported at such length on Indian affairs In defence of the Supreme Court, the only matter which appears, with the exception of the speeches of the Judges in Court, which refer only to the grounds of their proceedings in special cases, is contained in three letters of the Chief Justice, addressed to Lord Viscount Weymouth, Secretary of State; one dated the 26th of March, 1779, and the other two dated the 2d and 12th of March, 1780. In vindication of the attempt to force the jurisdiction of the Court upon the Zemindars, it is affirmed that although, as Zemindars, they are not subject to that jurisdiction, yet, as renters and collectors of the revenue, they are included in the description of servants of the Company. And it cannot be denied that the vague and inaccurate phraseology of the act, a species of phraseology which forms so remarkable a characteristic of the language of English law and is the source of so many evils, did leave open a door to the dispute, and to all the mischief which it produced, and which it threatened to produce, though it is clear as day, from the general import of the act, that no such jurisdiction was *intended* to be given To the allegation of the mischievous consequences which would ensue, and which were proved to be so extensive and alarming, the Chief Justice offers no reply If there is a verbal, or technical reason, to justify the exercise of his power, the consequences, in regard to the happiness or misery of others, are what from his habits, must to an English Judge appear, in general, as in the present case, very much a matter of indifference. To the accusation of interfering with the administration of criminal justice in the native courts, over which the Supreme Court had undeniably no control, the only defence which is offered by the Chief Justice is, that in those tribunals justice was administered very ill. It is, however,

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BOOK V abundantly certain, that totally to destroy those tri-
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 1781 bunals by prosecuting the Judges in the Supreme Court, when, having destroyed them, it was impossible for that Court to substitute any thing in their room, was not the way to improve the administration of justice. If those native Courts were susceptible of reform, as most assuredly they were, though, considering the state of society and the former experience of the people, there was at this particular period some ground for praise as well as for blame, it would have been a fit and noble exercise for the mind of the Chief Justice and his brethren, to have formed an excellent plan for the administration of justice among the natives, and to have recommended it with all the weight of their authority to parliament and the Company

The motive in this case which guided to so desperate a line of conduct cannot be mistaken, and ought not with hypocrisy to be disguised. It was not any conception of good, it was not ignorance of the evil for it was too obvious to be misunderstood. It was the appetite for power, and the appetite for profit. The power sufficiently visible and extraordinary the profit more concealed. Nor can the pleasure of exercising unbounded sway, through the forms of administering law, be justly regarded as a feeble inducement. We see what, in this instance, it was capable of producing. And a faithful history of the law of England would exhibit no less wonderful proofs in the misery which it has brought and still obstinately binds upon the people of England. Of this important inlet of evil with which the British legislature ought to have been well acquainted, they appear in framing the act for the administration of justice in India, to have had no remembrance or regard. And even when they set that important example of cutting off the direct profit of the Judges

in the plunder of the suitors, by depriving them of all *direct* share in the fees; they did not cut off an indirect profit of no trifling importance, by allowing them to create offices, with emoluments derived from fees; offices of which they enjoyed the patronage, itself a valuable power, and of which they could not fail to discover various ways of disposing for their own advantage. They still, therefore, retained an interest, and a very distinct and operative interest, in the amount of the fees which might be gathered in the Court; and the candour is amusing with which the Chief Justice bewails the decline of these profits, as one of the principal evils, if not the only evil, for he scarcely specifies another, which sprang from the measures taken to circumscribe the jurisdiction of the Court. "But one term," he says "has intervened, and the business of the Court, as I estimate, has fallen off near one third, and in a term or two, when the causes already commenced are got rid of, I expect it will be reduced to the trial of a few causes arising in Calcutta. The advocates, attorneys, and officers of the Court, who have not already succeeded, will be reduced to a most deplorable situation. The attorneys have petitioned us, that on account of the difficulty of their procuring subsistence in the present state of things, their numbers may not be increased by new admissions: Though persons may come from England so qualified and recommended, that we may not be able to comply with this requisition, yet I really apprehend we shall do them little service by admitting them; for, it seems to me, it will be only to give them the privilege of starving in company with the present attorneys"¹ That there might be great abundance of

¹ Report, ut supra, Letter from Sir Elijah Impey, to Lord Weymouth, 2d March, 1780

BOOK V advocates and attorneys, and that they, and the offi
 CHAP 6 cers, in regard to whom the Court possessed the pa
 1781 tronage, might be richly rewarded, appeared to the
 Chief Justice a sufficient reason why his court should
 retain a jurisdiction ruinous to the country. One of
 the surest effects of an excellent administration of
 justice, the diminution of the number of law suits,
 that is the diminution of the business of the Courts
 an effect, which if produced by the proper cause is
 so highly to be desired is here set down by the judge
 as one of the greatest of evils. It is no wonder. It
 was an effect, directly contrary to his profit and
 power. And it may with assurance be expected
 that judges, who enjoy the profits of a defective and
 vitious system of law, will regard as an evil whatever
 has any tendency to lessen those profits. that is any
 tendency to purify the law of its profitable defects.¹

At this stage of the discussions, respecting the ad
 ministration of justice, a considerable alteration in
 the constitution of the tribunals in the civil depart
 ment of the native law, was brought forward by the

¹ Some opinion may be formed of the sort of faith with which the de
 fence of the Judge was drawn up by the misrepresentation which he
 made of facts. He thus describes the circumstances of the Patna case
 "A widow of an Omrah of the empire to whom her husband had by
 deeds executed in his life time given personal effects to the value of some
 lacs of rupees and a considerable landed property was under pretence
 that the deeds had been forged though proof was made to the contrary
 plundered and stripped of the whole estate turned out without bed or cov
 ering into the public streets compelled to take refuge in a monument
 inhabited by falseers and to depend upon their charity for subsistence
 &c. This action was likewise brought against *Black Agents* whom
 the Council at Patna had contrary to their original institution em
 powered to hear and determine a petition," &c. 161. Letter from Sir
 E. Impey to Lord Weymouth, "6th March 1779. "*Black Agents*"—
 this is the appropriate name he bestows on the Magistrates and Judges
 of the highest respectability in the country. "*Heu et deterret*"—
 this is what he assumes, though he knew that they only collected evidence
 and reported.

Governor-General. and adopted by the Council. According to the regulations of 1773, this department was wholly administered by the Provincial Councils, sitting as Duannee Adaulut, or Court of Civil Judicature. It was now, on the 11th of April, 1780, arranged, that the business of these Courts should be divided into two parts; that which peculiarly concerned the revenue; and that which peculiarly concerned individuals. A separate court, styled Duannee Adaulut, was established for the cognizance of such disputes as arose between individuals: All such disputes as respected the revenue continued subject exclusively to the jurisdiction of the Provincial Councils. The new tribunals were severally composed of one covenanted servant of the Company, who was not a member of the Provincial Council, nor dependent upon it, and denominated superintendant of the Duannee Adaulut. The reason adduced for this alteration was, to exonerate the Provincial Councils from part of their burthen, and afforded them more time for attending to the important business of the revenue.

About the same time, an expedient, of which the foregoing alteration was probably contrived as a subsidiary portion, suggested itself to the mind of the Governor-General, for neutralizing the animosities which prevailed between the Sovereign Council and the Supreme Court, and thereby for terminating their disputes. He devised the plan of creating a Court for the Chief Justice, with a large allowance both of power and emolument, dependant on the pleasure of the executive power. The scheme was conducted in the following manner. Along with the establishment of the Provincial Duannee Adauluts in 1773, had been appointed a Sudder Duannee Adaulut at the Presidency, the object of which was

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BOOK V to receive appeals from the Provincial Adauluts The
 CHAP 6 Sudder Duannee Adaulut was to consist of the Go-
 1781 vernor General and Council in person, but up to
 this time they had not so much as entered upon the
 discharge of the functions of this Court although
 the Governor-General declared, and the declaration
 ought not to pass without remark that, if one half
 of the time of the Council were devoted to this Court,
 its important duties could not be adequately dis-
 charged.¹ If a judicial function of the highest im-
 portance, for which there was so extensive a demand,
 was left for seven years totally undischarged, what
 an opinion is it proper we should form of the situation
 of justice during all that time? And what opinion
 are we to form of a Governor-General and Council,
 who let justice remain in that situation? If they had
 time for the duties of the office (and few of the duties
 of government could be more important), they were
 inexcusable for not applying it if they had not time,
 they were inexcusable for not devising and executing
 another plan.

In consultation on the 22d of September, 1780,
 the Governor General introduced a minute in which
 he stated, that the arrangement established a few
 months before respecting the Courts of civil law, had
 produced not the most desirable effects but a great
 deal of inconvenience. "The institution he said
 "of the new Courts of Duannee Adaulut, has already
 given occasion to very troublesome and alarming
 competition between them and the Provincial Coun-
 cils, and too much waste of time at this Board" He
 represented it as the business of the Sudder Duannee
 Adaulut, not only to receive appeals from these

¹ Governor-General Minn. In council on 20th September 1780;
 See First Report of the Select Committee 1782 Apper 13 N. 3

Courts, but to superintend their conduct; revise their proceedings, remedy their defects, and generally to form such new regulations and checks, as experience shall prove to be necessary to the purpose of their institution." He affirmed, that it was impossible for the Council of government to spare time from its other functions for this important duty; and thus made two declarations: one, that respecting the disorders of the new Duannee Adauluts; another, this respecting the Court of Appeal: and both expressive of the miserable foresight, which attended his own attempts at legislation. He therefore proposed, That the constitution of the Sudder Duannee Adaulut should be totally changed: That it should not consist of the Governor-General and Council: But that the Chief Justice of the Supreme Court of Judicature should be vested with all its powers. A large salary was intended to be annexed to the office; but that, for politic reasons, was not as yet proposed. And it was expressly regulated, that the Chief Justice should enjoy the office and the salary, during the pleasure of the Governor-General and Council. The happy effects, which the Governor-General represented as about to flow from this arrangement, were these; That when the Chief Justice possessed the superintendence of the Duannee Adauluts, that is, obtained the choice portion of their power, the Supreme Court would no longer interfere in their jurisdiction; that when the Chief Justice obtained this addition of power, with the large salary which would attend it; and held them both at the pleasure of the Council, it "would prove an instrument of conciliation between the Council and the Court," and prevent "those dangerous consequences to the peace and resources of the government, which every member of the Board," he said, "foreboded from the contest in

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BOOK V which they had been unfortunately engaged with the
 CHAP 6 Court." The imputation which was essentially in-
 1781 volved in this proposition, and which the Governor-
 General cast upon the Chief Justice, was the most
 dishonourable, that ever was thrown upon the cha-
 racter of the most infamous of men. The Chief Jus-
 tice, in extending so vehemently the jurisdiction of the
 Supreme Court had affirmed, That it was an impe-
 rious sense of duty which thus constrained him to
 act. That by the King whose servant he was, and
 the act of parliament which constituted the Court
 over which he was placed the boundaries of his juris-
 diction, that is, of his sacred duties, were assigned
 and marked out. That from these duties it was not
 optional for him to recede. That the Judges of the
 Supreme Court of Judicature were strictly bound to
 occupy every portion of the field allotted to them.
 And could not abandon any part of it, either from
 respect for the Governor General and Council or on
 account of any contingent effects which the discharge
 of their imperative duties might be supposed to pro-
 duce. Yet, what did the proposition of the Governor
 General to the Council infer? That if they gave to
 the Chief Justice a sufficient quantity of power and
 of money dependent upon their will, the Chief Justice
 would confine the pretensions of the Supreme Court
 within any limits which they might wish to impose.
 It might naturally have been objected that to such
 a proposition the Chief Justice would never consent.
 But Mr Hastings, it would appear was better ac-
 quainted with the circumstances of the case. For
 the Chief Justice immediately discovered, that infinite
 advantages would arise from the plan. The proposi-
 tion was indeed opposed with strong arguments by
 Mr Francis and Mr Wheeler. They insisted that if
 the Duannee Adauluts were defective institutions,

this was not the proper course for their amendment ; that, if the authority of the Governor-General and Council, under which they acted, was doubtful, resting, as Mr. Hastings, to recommend his measure, had asserted, on the disputed construction of an act of parliament, the authority of the Council to make the Chief Justice of the Supreme Court Judge of the Sudder Duannee Adaulut could not be less than equally doubtful. and the Chief Justice, by accepting the office, would acknowledge their authority, and disclaim the construction which hitherto he had put upon the act, that to accept a new office, with new emoluments, and those dependent upon the pleasure of the Company, seemed inconsistent with the act which had expressly assigned him a large salary, in lieu of all other emoluments, that the duties of the one office were inconsistent with those of the other ; especially if the doctrine of the Chief Justice himself were sound. that the Judges of the Adauluts might be sued for damages, because he might thus have to answer, in his own Court, for the acts which he had performed as Judge of Sudder Adaulut, that if the jurisdiction of the Sudder Adaulut would occupy one half of the time of the Council, so it would that of the Chief Justice, whose time was already so much engrossed, that he could not join with his colleagues in performing the important office of a Justice of the Peace for the city and district of Calcutta ; that the present exhausted state of the Company's finances did not justify them in creating a new office to which large appointments were annexed, that the power which would thus be wielded by the Chief Justice would " too much hide the government from the eyes of the natives ;" and that, if the attorneys and forms of the Supreme Court were in any degree introduced into the business of the Duannee, " a new and a wide

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door of litigation would be opened." When these two opponents of the measure advanced as objections, that the new powers allotted to the Chief Justice would endanger the rights of the Council or of the Company as duan and still might not terminate the endeavours of the Chief Justice to encroach on their department, they judged far less correctly, than Mr Hastings, the powers of the instrument which he proposed to employ. They did not consider, that, by rendering the Chief Justice dependant upon themselves for a large portion of money and power they lost no part of that power which they lent to him, but gained the command even of that which he derived from another source.

It was on the 24th of October resolved by a majority of the Council, that the Chief Justice should be requested to accept of the office of judge of the Sudder Duannee Adaulut and at the same time proposed, that 60,000 sicca rupees per annum nearly seven thousand pounds, should be annexed to the office under the title of salary, and 7,200 sicca rupees, upwards of eight hundred pounds under the denomination of rent for an office. The assent of the Chief Justice, and his appointment to the office immediately ensued.

When intelligence of the reconciliation between the governing Council and the Supreme Court effected by the appointment of Sir Elijah Impey with a large salary, to the station of Judge of Appeal from the Duannee Adauluts, was brought to the Court of Directors the case appeared to them of so much importance as to require the highest legal advice and it was laid before the Attorney and Solicitor General before Mr Dunning and their own counsel Mr Rous. It is a fact, more full of meaning perhaps, when applied to the character of the pro-

session, than of the individuals, that an opinion, in the following words—"The appointment of the Chief Justice to the office of Judge of the Sudder Dewannee Adaulut, and giving him a salary for the latter office, besides what he is entitled to as Chief Justice, does not appear to us to be illegal, either as being contrary to the 13 Geo. III, or *incompatible with his duty as Chief Justice*, nor do we see any thing in the late act, 21 Geo. III, which affects the question"—was signed by the names, J Dunning, Jas Wallace, J. Mansfield The opinion of Mr. Rous, the counsel of the Company, was different, as had been that of their Advocate-General in India, and Mansfield, a few days afterwards, stated, in a short note to the Directors, that doubts had arisen in his mind, whether the acceptance of a salary, to be held at the pleasure of the Company or their servants, was not forbidden by the spirit of the act, or at any rate the reason of the case. He concluded in these words, "I have not been able to get the better of these doubts, although I have been very desirous of doing it, from the great respect I have for the opinions of those gentlemen with whom I lately concurred, and whose judgment ought to have much more weight and authority than mine."

The question was taken under consideration of the Select Committee of the House of Commons; who treated it, under the guidance of other feelings and other ideas. In their report, the power conferred upon Sir Elijah Impey in his new capacity was represented as exorbitant and dangerous; and so much the more so, that no regular definition of it was any where to be found; no distinct rule of law was any where pointed out; but he was to be guided by his own will, he was to be moderated by no check; he

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was to be restrained by no appeal and he was to decide upon the fortunes of all the natives of Bengal He was provided not only with judicative but legislative powers, being authorised to make rules and regulations, that is, to lay down laws, for governing the civil jurisdiction of the country And all this power was conferred upon a man, who, in the opinion of Mr Hastings at least, had been distinguished by no disposition to make a moderate use of his power The grounds of expediency and policy, on which, ostensibly, the measure was put, were treated as having been already proved to be frivolous and weak, by the arguments of Mr Francis and Mr Wheler, to which no answer had ever been made. "The idea," it was affirmed, "of establishing peace upon the ground of adverse claims still unrelaxed, and which nothing even appears to reconcile but the lucrative office given to the Chief Justice, can be maintained but upon suppositions highly dishonourable to the public justice and to the executive administration of Bengal" One of the most important features of the case was then held up to view Mr Hastings, it was remarked assumed and he was well acquainted with the circumstances of the case, in the whole course of his reasoning that in substance and effect the Chief Justice was the whole of the Supreme Court By selling his independence to the Governor General and Council the Chief Justice therefore sold the administration of Justice over every class of the inhabitants of Bengal "By the dependance of one tribunal" says the report, "both are rendered dependant both are vitiated so far as a place of great power influence and patronage with near eight thousand pounds a year of emoluments held at the pleasure of the giver can be supposed to operate on

gratitude, interest, and fear. The power of the Governor-General over the whole royal and municipal justice in Bengal, Bahar, and Orissa, is as absolute and uncontrollable, as both those branches of justice are over the whole kingdom of Bengal.”

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1781.

An observation of the Committee is subjoined, to which the highest degree of importance belongs. It is founded upon the grand, fundamental truth, That nothing is more favourable to the augmentation and corruption of the executive power, than the faculty of doing, through the medium of the courts of law, things which would awaken suspicion or hatred, if done by the executive itself.

In the situation in which the dependance of the Chief Justice has placed Mr. Hastings, “he is enabled,” say the Committee, “to do things, under the name and appearance of a legal court, which he would not presume to do in his own person. The refractory to his will may appear as victims to the law; and favoured delinquency may not appear, as protected by the hand of power, but cleared by the decision of a competent judge.” When a nation is habituated, even as much as our own is habituated, to pay a blind and undistinguishing respect to the character and acts of judges, the subservience of the courts of law is an instrument of power, of portentous magnitude.

The consequence of the discussion which these transactions underwent, and of the sensations which they produced in the nation, was an act of parliament to regulate anew the Supreme Court of Judicature, and deprive it of the powers which had been found destructive. And, upon a change of ministry, an address to the King was voted by the House of Commons, on the 3d of May, 1782, for the recall of Sir Elijah Impey, to answer to the charge of having

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BOOK V "accepted an office not agreeable to the true intent
 CHAP 6 and meaning of the act 13 Geo III"¹

1781 Soon after his appointment to the office of Judge of Sudder Duannee Adaulut, thirteen articles of regulations for the practice of that Court and of the subordinate tribunals were recommended by the Judge approved by the government, and adopted. With these were incorporated various additions and amendments, which were afterwards published in a revised code, comprising ninety five articles. The number of provincial Duannee Adauluts was, in April, 1781, increased from six to eighteen, in consequence of the inconvenience experienced from the extent of their jurisdiction.

As the establishment of the police magistrates, called *foujdars* and *tannadars* introduced in 1774, followed the example of so many of the contrivances adopted in the government of India that is, did not answer the end for which it was designed, the judges of Duannee Adaulut were vested with power of apprehending depredators and delinquents, within the bounds of their jurisdiction but not of trying or punishing them a power which was still reserved to the *Nizamut Adauluts* acting in the name of the *Nabob*. The Governor General and Council also reserved a power of authorizing, in cases in which they might deem it expedient, the *Zemindars* to ex-

¹ & these important proceedings, the Report of the Committee of the House of Commons to which the petitions respecting the administration of Justice in Bengal were referred; and the first Report of the Select Committee of 1781 with the ample document contained in their numerous appendices have been laboriously consulted. See also The speech of Sir Elijah Impey delivered at the bar of the House of Commons the 4th day of February 1783, with the documents printed in the Appendix. Though this defence refers almost solely to the conduct of the *Q. J.* in the trial & execution of a criminal. See also Colebrooke's Supplement p. 14, 23, 121; and the 1st 2nd Report from the Select Committee on India &c. in 1810 p. 8 and 9.

ercise such part of the police jurisdiction as they had formerly exercised under the Mogul administration. BOOK V
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And in order to afford the government some oversight and control over the penal jurisdiction of the country, a new office was established at the Presidency, under the immediate superintendence of the Governor-General. To this office, reports of proceedings, with lists of commitments and convictions, were to be transmitted every month; and an officer, under the Governor-General, with the title of *Remembrancer of the Criminal Courts*, was appointed for the transaction of its affairs. In November, 1782, in consequence of commands from the Court of Directors, the jurisdiction of the Sudder Duannee Adaulut was resumed by the Governor-General and Council.¹ 1781.

Upon these changes, in the judicial, followed close another change, in the revenue system. In 1773 the plan was adopted of performing the collection of the revenues by means of provincial Councils; but under the declared intention of its being only temporary, and preparatory to another plan; namely, that of a Board of Revenue at the Presidency, by whom, with local officers, the whole business of realizing the revenue might be performed. Afterwards, when disputes with Mr Francis, and other opposing members of the Council, arose, Mr Hastings had maintained, that the expedient of provincial Councils was the most excellent which it was possible for him to devise. On the 20th of February, 1781, however, a very short time after the departure of Mr. Francis, he recurred to the plan which was projected in 1773; and decreed as follows, That a Committee of Revenue should be established at the Presidency, consisting of four covenanted servants of the Company, that the

¹ Fifth Report of the Select Committee in 1810, Second Report of the Select Committee in 1781

CHAP VII

Journey of the Governor General to the Upper Provinces—History of the Company's Connections with the Rajah of Benares—Requisitions upon the Rajah—Resolution to relieve the Company's Necessities by forcible Exaction on the Rajah—The Governor-General arrives at Benares—The Rajah put under Arrest—A tumultuous Assemblage of the People—An Affray between them and the Soldiers—The Rajah escapes—War made upon him and the Country subdued—Condemnation of Mr Hastings by the Directors—Double Negotiation with the Mahrattas of Poonah—Treaty of Peace

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1781

It was immediately subsequent to these great changes in the financial and judicial departments of the government that the celebrated journey of the Governor General to the Upper Provinces took place. Important as was the business, which at that time pressed upon the attention of the government when war raged in the Carnatic, when the contest with the Mahrattas was carried on in two places at once, and when the Supreme Council was so greatly reduced in numbers that upon the departure of the Governor General, one member alone, Mr Wheeler was left to conduct the machine of government it was to be concluded that matters of great concernment had withdrawn the Governor General from the principal scene of intelligence of deliberation and of action.

The transactions which he had in view were chiefly those proceedings which he meditated with regard to the Rajah of Benares, and the Nabob of Oude. The government was distressed for money, and the intention was avowed of making those tributary Princes subservient to its supply. The Governor-General departed from Calcutta on the 7th of July, 1781, and arrived at Benares on the 14th of August. To understand the events which ensued, it is necessary to trace, from its origin, the connexion which subsisted between the English and the Rajah.

After the shock which the empire of the Great Mogul sustained by the invasion of Nadir Shah, when the subahdars and other governors, freed from the restraint of a powerful master, added to the territory, placed under their command, as much as they were able of the adjacent country, the city and district of Benares were reduced under subjection to the Nabob of Oude. This city, which was the principal seat of Brahmenical religion and learning, and to the native inhabitants an object of prodigious veneration and resort, appears, during the previous period of Mahomedan sway, to have remained under the immediate government of an Hindu. Whether, till the time at which it became an appanage to the Subah of Oude, it had ever been governed through the medium of any of the neighbouring viceroys, or had always paid its revenue immediately to the imperial treasury, does not certainly appear. With the exception of coming money, in his own name, a prerogative of majesty, which, as long as the throne retained its vigour, was not enfeebled by communication, and that of the administration of criminal justice, which the Nabob had withdrawn, the Rajah of Benares had always, it is probable, enjoyed and exercised all the powers of government, within his

BOOK V own dominions In 1764, when the war broke out
 CHAP 7 between the English and the Subahdar of Oude,
 1781 Bulwant Sing was Rajah of Benares, and, excepting
 the payment of an annual tribute, was almost independent of that grasping chief, who meditated the reduction of Benares to the same species of dominion which he exercised over the province of Oude The Rajah would gladly have seen the authority of the English substituted in Oude to that of the Vizir, whom he had so much occasion to dread He offered to assist them with his forces and, to anticipate all jealousy, from the idea of his aiming at independence, expressed his willingness to hold the country, subject to the same obligations under them, as it had sustained in the case of the Nabob and so highly important was the service which he rendered to the Company, that the Directors expressed their sense of it in the strongest terms¹ When peace was concluded, the Rajah was secured from the effects of the Nabob's resentment and revenge, by an express article in the treaty, upon which the English insisted, and the guarantee of which they solemnly undertook Upon the death of Bulwant Sing in the year 1770 the disposition of the Vizir to dispossess the family, and take the province into his own hands was strongly displayed but the English again interfered and compelled the Vizir to confirm the succession to Cheyte Sing the son of the late Rajah and his posterity for ever on the same terms, excepting a small rise in the annual payment as those on which the country had been held by his father In the year 1773 when Mr Hastings paid his first visit to the Nabob of Oude the preceding agreement was renewed and confirmed "The Nabob" said Mr Hastings

“pressed me, in very earnest terms, for my consent, that he should dispossess the Rajah of the forts of Letteefgur and Bidgegur, and take from him ten lacs of rupees, over and above the stipulated rents, and he seemed greatly dissatisfied at my refusal.” Mr. Hastings, however, insisted that all the advantages which had been secured to Bulwant Sing, and confirmed by the Nabob’s own deed to Cheyte Sing, should be preserved; and he expressed, in the same letter, his opinion both of the faith of the Vizir, and the independence of the Rajah, in the following terms: “I am well convinced that the Rajah’s inheritance, and perhaps his life, are no longer safe than while he enjoys the Company’s protection; which is his due, by the ties of justice, and the obligations of public faith and which policy enjoins us to afford him ever most effectually: his country is a strong barrier to ours, without subjecting us to any expence; and we may depend upon him as a sure ally, whenever we may stand in need of his services.”¹ It was established accordingly, that “no increase of revenue should ever thereafter be demanded.”

When the Company’s new government, established in 1774, resolved upon forming a new arrangement with the son and successor of the Vizir, lately deceased; the interest, whatever it was, which was possessed by the Vizir in the territory of the Rajah Cheyte Sing, was transferred from that chief to the Company. Upon this occasion, it was resolved, not only that no infringement should take place of the previous rights and privileges of the Rajah, but that other advantages should be annexed. Mr. Hastings took the lead in this determination; and earnestly

¹ Secret Consultations, Fort William, 4th Oct 1773, Extract of the Governor-General’s Report, Second Report of the Select Committee, 1782, p 12

BOOK V
 CHAP. I
 1781

It was in the end arranged, that the payment of the tribute should be made at Calcutta, a commission being allowed for the additional expense. And Mr Francis was anxious that the independence of the Rajah should be modified no farther than by an acknowledgment of the supremacy of the English a condition not practically affecting his government, and conducive no less to his security, than to the dignity of those to whom the compliment was paid¹

Upon these terms the settlement was concluded and the Rajah continued to pay his tribute with an exactness rarely exemplified in the history of the tributary princes of Hindustan. Unhappily for him, he was not an indifferent spectator of the disputes which agitated the Supreme Council. "It is a fact," says the Governor-General, "that when the unhappy divisions of our government had proceeded to an extremity bordering on civil violence by the attempt to wrest from me my authority, in the month of

upon the same footing as the regular military force of the Presidency." It is to be observed that the three battalions were a mere pretence. The Rajah was only required to give money; and the battalions were never raised.

¹ The third paragraph of his Minute in Council on the 15th of Feb 1772 was in these words: "The present Rajah of Benares to be confirmed in the Zemindary which may be perpetuated in the family under a fixed annual tribute and a fixed gift at each future inheritance; the Rajah's authority in his own country to be left full and uncontrolled." And this is further explained in a Minute dated the 4th of March in the following words: "In answer to the proposal and petition of the Rajah of Benares, your Majesty is to observe strictly to the following regulations: First, that the Rajah of Benares shall have the Zemindary may be perpetuated in his family on fixed and unalterable conditions. Secondly, that his own authority to be confirmed as usual of the Sovereign of these Kingdoms, bearing a great fixed revenue by a fixed tribute and a fixed gift at the coronation of the Rajah and his heirs. Thirdly, that the Rajah shall have a right to appoint and dismiss his officers and servants at pleasure, and to the part of the Government. Minute of the Council of 1772." "u."

June, 1777,¹ he had deputed a man named Sum-boonaut, with an express commission to my opponent; and the man had proceeded as far as Moorshedabad, when, hearing of the change of affairs, he stopped, and the Rajah recalled him."² It is somewhat wonderful that a circumstance, no greater than this, should have made so deep an impression upon the mind of the Governor-General, as to be enumerated, after the lapse of years, in a laboured apology, among the causes which justified the prosecution of the Rajah to his ruin.

In the year, 1778, the Governor-General proposed, that a requisition should be made upon the Rajah Cheyte Sing, for the maintenance of three battalions of sepoys, estimated at five lacs of rupees per annum, during the continuance of the war. In settling the terms of the connexion of the Rajah with the Company, in 1775, it had been proposed, for *consideration*, by the Governor-General, whether the Rajah should not engage to keep a body of 2,000 cavalry constantly on foot, which should be consigned to the service of the Company, receiving an additional pay or gratuity, as often as the public interest should require. But this proposition was rejected by the rest of the Council, even by Mr. Barwell, on the score of its being a mere enhancement of the tribute of the Rajah, under a different name. And the Governor-General then declared, that "it was far from his intention to propose this, or any other article, to be imposed on the Rajah by compulsion, he only proposed it as an article of speculation." Mr. Francis and Mr.

¹ What he calls the attempt to wrest from him his authority, was his own refusal to obey the appointment of the Company, when Sir John Clavering was nominated to the place of Governor-General, upon the resignation which Mr. Hastings disowned

² The Governor-General's Narrative of the Transactions at Benares, App No 1, Second Report of the Select Committee, 1781.

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Wheler, in 1778, consented that an aid, to the amount which the Governor General proposed, should be requested of the Rajah, but demurred as to the right of enforcing any demand beyond that of the stipulated tribute and Mr Hastings agreed to reserve the question of right to their superiors.¹ Professing a strong desire to show his friendship to the Company, the Rajah, as was to be expected, endeavoured to obtain an abatement of the sum and when he gave his consent to the whole, expressly declared that it was only for a single year. In resentment of these endeavours to limit the amount of the contribution the Governor General proposed, that no time should be allowed for the convenience of payment but the whole should be exacted immediately. "I acquiesce" were the words of Mr Francis's Minute

though in my own opinion, it would answer as well to us, and be less distressing to the Rajah if the subsidy were added in equal proportions to the monthly receipts of the tribute."

The Rajah pleaded poverty and, praying for indulgence in point of time, engaged to make good the total payment in six or seven months. The Governor General treated the very request as a high offence and added the following very explanatory words. "I will not conceal from the Board that I have expected this evasive conduct in the Rajah, having been some time past well informed that he had been advised in this manner to procrastinate the payment of the five lacs, to afford time for the arrival of dispatches from England which were to bring orders for a total change in this government and thus he was given to expect would produce a repeal of the

¹ The speech was in the Minute in Council (24th July 1778) are these words given to the question of right. "I wish to leave the decision of the law to the superiors."

demand made upon him by the present government" BOOK V
CHAP. 7.
 A delay, founded upon the hope that the Governor-General would be stript of power, might sting the 1781.
 mind of the Governor-General, if it was a mind of a particular description, but a delay, founded upon the hope of remission (even if it had been ascertained to be the fact) would not by any body, unless he were in the situation of the Governor-General, be regarded as much of a crime. Mr. Francis and Mr. Wheler were over-ruled, and the resident at Benares was commanded immediately to repair to the *Rajah*, to demand, that in five days the whole of the money should be paid, to denounce to him that a failure in this respect would be treated as equivalent to an absolute refusal, and to abstain from all intercourse with him till further instructions, if the requisition was not obeyed.

In the following year, the demand was renewed. The *Rajah* now more earnestly represented the narrowness of his circumstances, the hardship which was imposed upon him, by so heavy an exaction; his exemption, by the terms of his treaty, from all demands, beyond the amount of his tribute, which was most regularly paid; and his express stipulation, annexed to his former payment, that it was not to be for more than a year. The Governor-General replied in terms more imperious and harsh than before; threatening him with military execution, unless he paid immediate and unconditional obedience to the command. The *Rajah* repeated his remonstrance, in the most earnest, but the most submissive, and even suppliant terms. The troops were ordered to march. He was compelled to pay not only the original demand, but 2.000/ as a fine for delay, under the title of expence of the troops employed to coerce him.

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In the third year that is, in 1780, the exaction was renewed but several new circumstances were, in this year, annexed to the transaction. The Rajah sent his confidential minister to Calcutta, to mollify the Governor General, by the most submissive expressions of regret for having incurred his displeasure, even by confessions of error and of fault, and by the strongest protestations of a desire to make every possible exertion for the recovery of his favour. This however included not the payment of the five lacs, of which the agent was instructed to use his utmost endeavours to obtain a remission. For the better accomplishment of this object, he was furnished with a secret compliment to the Governor General, of the amount of two lacs of rupees. At first, as we are told by Mr Hastings, he absolutely refused the present and assured the agent of the Rajah that the contribution must be paid. Afterwards, however, he accepted the present with a view, as he himself informs us, to apply the money to a peculiar exigency of the public service. Be it so. The money of the Rajah however was tendered, for a purpose which it was impossible to mistake. And that money, with all the obligation which the receipt of it imported was in fact received.¹ The contribution, nevertheless

¹ For the circumstances of this present see Hastings's Answer to Burke's Eighth Charge, the Eleventh Report of the Select Committee 1781, and the Minutes of the Evidence taken at the Trial of Warren Hastings. The circumstances are remarkable and characteristic: At first perfect concealment of the transaction, such measures however taken, as may if afterwards necessary appear to justify a declaration of fraud, and when circumstances become difficult and hazardous then disclosure made. The Governor General on the 4th of June offered to apply 25,000*l*. which as he described it appeared to be though not asserted to be money of his own to the support of the debt of the East India Company. He declined to act in the country of Scindia. Whether the money which was meant to be a loan or a gift did not appear. Of the receipt of the money as a present no intimation was

was exacted The remonstrances of the Rajah, and his renewed endeavours to gain a little time, were treated as renewed delinquency; and for these endeavours the Governor-General imposed upon him a mulct or fine of 10,000*l.*; ¹ and the troops were ordered to march into the Rajah's country, on the same errand, and on the same terms, as in the preceding year.

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The Rajah again submitted, and the money was again discharged. But these submissions and payments were no longer regarded as enough. An additional burthen was now to be imposed. A resolution was passed in the Supreme Council, that the Rajah, besides his tribute, and the annual contribution of five lacs of rupees, should be required to furnish to the Bengal Government such part of the cavalry entertained in his service, as he could spare: And the resident was instructed by the Governor-General to make a peremptory demand of 2,000. The Rajah

made to the Court of Directors before the 29th of November following; when he only alludes to it, but expressly withholds explanation. Stating the reason of mentioning the matter at all to be a desire of "obviating the false conclusions or purposed misrepresentations" which might be made of his offer to defray the expense of Carnac's detachment, as if that offer were "either an artifice of ostentation, or the effect of corrupt influence," he tells them, "that the money, by whatever means it came into his possession, was not his own, that he had himself no right to it, nor would or could have received it, but for the occasion which prompted him to avail himself of the accidental means which were at that instant afforded him, of accepting and converting it to the property and use of the Company." Even here, he represents his converting it to the use of the Company, as a voluntary favour he conferred upon the Company, when the money was in reality the money of the Company, and when every thing received in presents was theirs. He had given no further explanation up to the end of 1783, and the first knowledge obtained in England of the source whence the money was derived, was drawn from Major Scott by the interrogatories of the Select Committee. See Eleventh Report, p 7

¹ The payment of this mulct is stated as doubtful, in Burke's Charges, but as it is passed without mention in the Answer, the silence must, in this as in other cases, be taken for confession.

BOOK V represented that he had only 1,300 cavalry in his
 CHAP 7 service, and that they were all employed in guarding
 1781 the country, or in collecting the revenues. The Governor General reduced his demand, first to 1 500, and at last to 1,000. The Rajah collected 500 horse, as he himself, and without contradiction affirmed, and 500 matchlock men as a substitute for the remainder. He sent word to the Governor General that this force was ready to receive his commands but never obtained any answer.

The Governor General had other views. He wanted money, and he was resolved that the plunder of the unhappy Rajah, whom he disliked, should be the source from which it was to flow. "I was resolved," says the Governor General, "to draw from his guilt the means of relief to the Company's distresses. In a word I had determined to make him pay largely for his pardon or to exact a severe vengeance for his past delinquency."¹ The confession has the merit of frankness, be the other virtues belonging to it such as they may. The guilt, as it is called, consisted exclusively, in a reluctance to submit to the imposition of a very heavy burthen, from which the Rajah considered that he ought to be free.

The Rajah was informed of the hostile designs which were entertained against him and in order to mitigate the fury of the storm sent an offer to the Governor General of twenty lacs of rupees for the public service. The offer was scornfully rejected. A sum of not less than fifty lacs was the peremptory demand. From the Governor General's information we learn, that he was at this time offered a large sum of money for the dominions of the Rajah, by the Nabob of Oude that he was resolved to ex-

¹ Governor-General's Narrative K., *supra*

to fort the obedience of the Rajah, otherwise to reduce his forts, and seize the treasure which they were supposed to contain; or to conclude a bargain for his dominions with the Nabob Vizir. BOOK V.
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It is necessary to be remarked, that Mr. Fowke, who had been replaced in the office of resident at Benares by the express command of the Court of Directors, the Governor-General removed about six months before his journey to Benares, on the sole pretence that "he thought the resident there should be a man of his own nomination and confidence," though the Court of Directors had decreed the contrary, and issued to that effect their most peremptory commands. It is also requisite to be stated, that though the Governor-General departed for Benares with the intention of inflicting a severe vengeance on the Rajah, a design which he communicated in trust to some of his confidential friends, he entered no intimation of this design in the consultations, or records of the Deliberative Council, but on the contrary a minute, importing nothing beyond an amicable and ordinary adjustment, and desiring powers for nothing but to make such arrangements, and perform such acts, for the improvement of the Zemindary "as he should think fit and consonant to the mutual engagements subsisting between the Company and the Rajah." The aptness of the expression consisted in its having sufficient laxity to stretch around all that the actor had in view, while its more obvious signification led not the mind of the hearer to any but ordinary transactions.

Upon the approach of the Governor-General to the boundary of the Rajah's dominions, that Prince went out to meet him, and, to render the compliment still more respectful, with a retinue unusually great. Not contented with a mere interview of form, the Rajah

BOOK V pressed for a more confidential conversation "He
CHAP 7 professed," says Mr Hastings, "much concern to
 1781 hear that I was displeased with him, and contrition
 for having given cause for it, assuring me that his
 Zemindary, and all that he possessed were at my
 devotion and he accompanied his words by an action,
 either strongly expressive of the agitation of his
 mind, or his desire to impress on mine a conviction
 of his sincerity—by laying his turban on my lap"
 Mr Hastings, according to his own account, treated
 the declarations of the Rajah as unworthy of his re-
 gard, and dismissed him

Mr Hastings arrived in the capital of the Rajah
 on the 14th of August earlier by some hours than
 the Rajah himself The Rajah communicated his
 intention of waiting upon him in the evening But
 the Governor General sent his prohibition and at the
 same time directed him to forbear his visits, till per-
 mission should be received The resident was next
 morning sent to the Rajah with a paper of complaints
 and demands. The Rajah in reply transmitted, in
 the course of the day, a paper in which he endea-
 voured to make it appear that his conduct was not
 liable to so much blame as the Governor General im-
 puted nor deserved the severity of treatment which
 was bestowed The Governor-General, without any
 further communication, put him under arrest the
 following morning and imprisoned him in his own
 house with a military guard

This is the point, at which the reader should
 pause to examine by the rules of justice, the conduct
 of the parties since to this time their actions were
 the offspring of choice, afterwards, they became
 more the result of necessity on both sides

Suppose the justice of the demand to have been
 ever so clear and certain suppose that the Rajah had

procrastinated, and endeavoured to evade the payment of his defined and established tribute, which on the contrary he always paid with singular exactness; suppose that importunity on each occasion had been requisite, and the delay of a few months incurred; even in this case, where blame, if inability hindered not, might without dispute have been due, it will be acknowledged, that the behaviour of the Governor-General would have been harsh, precipitate, and cruel. Even the fines, and the soldiers, would have been too hastily and vindictively applied to an offence, so common in India, and to which any consequences of importance are so little attached. The arrest, which to a man of rank is the deepest disgrace and injury, would have been an excess of punishment to a very considerable degree beyond the line of justice and humanity. If so, how much must be supposed to be added to that excess, when it is considered that the demand itself was extraordinary, irregular, and liable to the imputation of injustice; that some even of Mr. Hastings' colleagues disputed the right of the Company to enforce any such demand; and that Mr. Hastings, though he declared that his opinion was in favour of the right, dared not to decide upon it, but in express terms left the question doubtful, and reserved the decision for his superiors?

Mr. Hastings imposes a heavy burthen upon a native Prince. His right, in point of law or justice, is a matter of doubt. The Prince shows reluctance to submit to what he very naturally regards as oppression; and by some little and ordinary artifices he endeavours to elude the demand. To this reluctance and these little artifices, Mr. Hastings attaches the name of guilt: Having sufficiently attached to them the name of guilt, he holds it requisite that guilt

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should meet with punishment. And 'as it is the dignity of the state against which the offence has been committed, the dignity of the state, which is infinite, requires that the punishment should be adequately severe. If this be justice, a way may be found for inflicting any punishment justly, at any time, upon any human being.

There are considerations on the opposite side, which must not be forgotten. Mr Hastings, in his present exigency, might naturally expect assistance from the Rajah. It was common for the tributary Princes of the country to be compelled to assist their superiors in war. And it is probable that Mr Hastings counted upon that assistance when, in 1775, the agreement with the Rajah was formed. It is, however, not a matter of doubt, that by the terms of that solemn compact, the Governor-General and his colleagues, whether they so intended or not, did surrender and renounce all right to make any demand upon the Rajah of such assistance or of any emolument or service whatsoever beyond the amount of his annual tribute.

Mr Hastings, in contest with his accusers, endeavoured to lay the burthen of his defence upon the duties which in India a dependant ruler owes to the authority on which he depends. But if these duties, whatever they may be, are solemnly remitted by him to whom they are due, and the right to exact them is formally given up, the obligation is destroyed, and becomes as if it never had existed. That the words of the grant to the Rajah Chyte Sing barred every demand beyond that of his tribute, and by consequence that which was now made. His sing no where directly controverts.¹ He meets not the argument,

¹ The form of the grant was a solemn and positive declaration that which he was to pay; the latter of no violence by

because it could not be answered; he endeavours to defeat it by other means, by hiding it from observation, while he sedulously directs the attention to different points.

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We must also be allowed to examine the rights which the custom of India gave to the Prince who received, over the Prince who afforded the tribute.

express declaration whatever was not defined and specified in the former Ambiguity could not more effectually be excluded. The first clause included his tribute, and nothing else, the latter negatived whatever was not in the first clause, that is, whatever was not his tribute. The words to which reference is always made, are the words of the resolution of the Council. It is true, that the words of the sunnud, which was afterwards actually granted, and which ought to have been exactly correspondent to the words of the resolution, were too indefinite to fix any thing whatsoever in favour of the Rajah. But this is one of the injuries which the Rajah sustained, and cannot be employed to justify the oppression which was grounded upon it. It is on the contrary a heinous fraud, for which the authors were justly accountable. And the words of the resolution ought to be the explanation and the standard of what is left undefined in the sunnud. It is remarkable, that there was a great deal of irregularity, and some suspicious circumstances, in the mode of making out the deeds, and performing the investment. The Rajah objected to the first forms. They were altered. Other forms were adopted. And in the charges against Mr Hastings, voted by the House of Commons, it is stated, that neither the first set of deeds, nor the second set of deeds, were entered in the records, or transmitted to the Court of Directors. In fact, there is so much the appearance of improper design in these proceedings, that Mr Burke scruples not to say, they "give, by that complicated, artificial, and fraudulent management, as well as by his (Mr Hastings) omitting to record that material document, strong reason to presume that he did even then meditate to make some evil use of the deeds, which he thus withheld from the Company, and which he did afterwards in reality make, when he found means and opportunity to effect his evil purpose." The design was, however, probably, no worse than to leave himself a latitude of power with regard to the Rajah. But the indefiniteness of the sunnud very ill agreed with the solicitude expressed in Council by the Governor-General, in 1775, to exempt the Rajah from dependance, and all chance of encroachment on his power. It is also necessary to state, that Mr Hastings avers he had no concern in making out the sunnuds, or omitting to record them, that these practical operations belonged to the Secretary of the Board, under the superintendence of the majority, of which at this time he was not a part, and that if there was any misconduct, that majority are to answer for it. See his Defence on the Third Charge.

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Far were they, indeed, from being of such a nature, as Mr Hastings, for the benefit of his own exculpation, affirmed. By whose construction? By the habitual construction, by the public acts, of Mr Hastings himself. The East India Company were the dependants of the Emperor Shah Aulum, and paid him a tribute. Did the East India Company hold themselves bound to obey every demand which the Emperor might choose to make upon them for assistance in his wars? Did they not treat him as a person to whose commands, or most urgent supplications, not the smallest attention was necessary? Did they not even treat him as a person toward whom they had no occasion to fulfil even the most solemn engagements? Did they not, as soon as they pleased refuse to pay him even his tribute for that part of his dominions which they continued to hold in his name? Did not their ally, the Nabob of Oude, in like manner depend upon the Emperor, and owe him tribute, which he never paid? Was he not even his Vizir in other words, his chief minister and servant, and therefore bound by a double duty to obey, to aid, and to protect him? Did he on these accounts perform towards him the smallest act of service, or obedience? No one than Mr Hastings better knew, that in India the obligation of the person who pays tribute to the person who receives it is deemed so very slight, as scarcely to be felt or regarded and no man was more ready to act upon that principle when it suited his purposes than Mr Hastings. The law of the strongest indeed was in perfect force and whenever any party had the power to enforce obedience it had no limit but that of his will.

The relation in which the Company stood to the Rajah the one as sovereign the other as subject,

Mr. Hastings represented as conferring "an inherent right to impose such assessments as the Company thought expedient." But, in that case, the compact into which the Company entered with the Rajah, that on no pretence whatsoever should any demand whatsoever be made upon him, beyond the amount of his tribute, were a form of words totally destitute of meaning, or rather a solemn mockery, by which the Company gave security and assurance to the mind of the Rajah, that they would take from him nothing beyond his tribute, excepting just as much, and just as often, as they pleased.¹

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Mr. Hastings, in his own justification, and after the time when his conduct had produced the most alarming events, alleged the previous existence of designs, and even preparations, on the part of the Rajah, traitorous and hostile to the Company. For the evidence of these designs, Mr. Hastings presents his own naked assertion. But to that, in such circumstances, little value is to be attached. The assertion was also contradicted; and by the man who best knew on what grounds it was made; by Mr. Hastings himself. It was contradicted, by his actions, a better testimony than his words. So far from repairing to the capital of the Rajah, as to a place where any danger was to be apprehended, he repaired to it

¹ Mr Francis at the time remarked, "I did, from the first, express a doubt, whether we had strictly a right to increase our demands upon the Rajah beyond the terms which we originally agreed to give him; which he consented to, and which, as I have constantly understood it, were made the fundamental tenure by which he held his Zemindary. If such demands can be increased upon him at the discretion of the superior power, he has no rights, he has no property, or at least he has no security for either. Instead of five lacs, let us demand fifty whether he refuses, or is unable, to pay the money, the forfeiture of his Zemindary may be the immediate consequence of it, unless he can find means to redeem himself by a new treaty." Minute in Council, 28th September, 1778, Second Report, ut supra, p 30

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unction between a Zemindar, and a dependant Prince, was to be found? Was not every Zemindar that had a large extent of territory and power, a dependant Prince and was not every Prince of a small extent of territory and power, a mere Zemindar? What could constitute any man a sovereign Prince, if all the powers of government secured, without participation to him and his heirs for ever over a country surpassing the extent of considerable kingdoms, did not constitute the Rajah of Benares a Prince?—But the father of the Rajah, Bulwant Sing, said Mr Hastings, rose from the condition of a petty Zemindar—What had this to do with the question? Did any one, better than Mr Hastings, know, that those who acquired the station of dependant Princes in India almost uniformly ascended from the lowest origin? Did the birth of Aliverdi Khan prevent him from being the Subahdar of Bengal and leaving his heir in the state of a tributary Prince? ¹

Another of the allegations, upon which the defence was attempted of the demands which Mr Hastings made upon the Rajah and the arrest of him for evasions of payment, was that the police of the Rajah's

¹ What was the condition of the Zemindars of the province of Benares, whose obedience as subjects was due to Cheyte Sing? The fact is that nothing was so odd and finite as the title Zemindar. Mr Hastings himself says "The expulsion of Cheyte Sing was indisputably a revolution. I have always called it so." A revolution, consisting in the mere change of a land renter removal least pleasant! It is curious to contrast the words of Mr Hastings's own agent Major Scott, who had occasion to visit the situation of the Rajah: "Mr Foulke as Resident at Benares appears to him and certainly is as an ambassador at a foreign though dependant court: From that Rajah the Company receive 500 000/ sterling a year. Benares is the seat of politics; vakeels or ambassadors from every power in India reside constantly there." Evidence of Major Scott in the 1st Report (p. 7) of the Select Committee 1781. Yet no small portion of the evidence adduced for the defence on Mr Hastings's trial was to prove that the Rajah was a mere Zemindar. Vol. Minutes of Evidence etc. p. 22.

dominions was very defective It would have been difficult for his accuser to show in what part of India it was good. Three instances are adduced, on the complaint of Major Eaton, the English officer commanding at Buxar, in which the people of the country had behaved without respect to the English authority, and in one instance with violence to English sepoys, and even English officers Upon this, remonstrance had been made to the Rajah, and, though it is not alleged that he abetted his officers or people, yet he had not made redress, to the satisfaction of the offended party. On the 14th of December, 1780, the Supreme Council wrote, commanding the Rajah to make inquiry into one of the cases; which, as there is no complaint to the contrary, except that an answer had not been received on the 17th of next month, it would appear that he did And just seven months after the date of this letter Mr Hastings set out on the journey to inflict that punishment on the Rajah which led to his ruin¹

Another extraordinary declaration of Mr. Hastings remains to be considered "I will suppose," says he, "for a moment, that I have erred, that I have acted with an unwarranted rigour towards Cheyte Sing, and even with injustice Let my motive be consulted." Then follows the account of this motive, in the following words: "I left Calcutta, impressed with the belief, that extraordinary means, and those exerted with a strong hand, were necessary to preserve the Company's interests from sinking under the accumulated weight which oppressed them. I saw a political necessity for curbing the overgrown power of a great member of their dominion, and to make it contribute to the relief of their pressing exigencies.

¹ Vide Minutes of Evidence on the Trial, p 1601

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If I erred, my error was prompted by an excess of zeal for their interests, operating with too strong a bias on my judgment."¹ Here some portion of the truth comes forth. The Company were in want of money. The Rajah was supposed to possess it. And since he would not give what was demanded willingly, the resolution was formed to take it from him by force. The pretence, however, that his power was overgrown, that is, from its magnitude an object of danger, was utterly groundless. In what respect had that power increased, during the short period of five years, from the time when Mr Hastings and his colleagues confirmed and established his power, and when Mr Hastings was so far from dreading it, that he wished to make it still more independent than it was really made? By a small body of troops hastily collected together, and wretchedly provided both with provisions and pay the whole power of the Rajah was in a few days, and with little bloodshed, completely subdued. And the military officers declared that, even if the country had deliberately rebelled a single brigade of the Company's army would have sufficed for its reduction.²

Nor was the Governor-General so perfectly disinterested, as he was desirous to make it appear. The whole power and emoluments of his office over which he watched with so much jealousy and desire were the powerful interests by which he was stimulated

¹ Governor-General's Narrative *ut supra*, O. No. 1.

² See the evidence of Lieutenant-Colonel Crabb, Second Report *ut supra*, Appendix No. 11. Observe the words of Mr Hastings himself: "The treachery of Rajah Chetty Sing has compelled me to retreat to this place where I wait to reduce this Zemindary; a work I trust of no great difficulty or time. Troops are assembling daily to which he can find no opposition." Governor-General's Letter to Colonel Munro of Calcutta 9th August 1781 *ut supra*, No. 4. Evidence was adduced on the trial however to prove this point with the rest. Vide Minutes *ut supra* on the Benares charge.

He knew, under the sentiments which prevailed at home, by what a slender and precarious tenure he enjoyed his place. He knew well that success or adversity would determine the question. He knew that with those whom he served, plenty of money was success, want of that useful article, adversity. He found himself in extreme want of it. The treasure to which he looked was the fancied treasure of the Rajah; and he was determined to make it his own. If under such circumstances as these a zeal for the government which he served could sanctify his actions, then may Jefferies be regarded as a virtuous judge.¹

¹ Mr Hastings represented his animosity as inflamed by the danger, to which the detachment of Colonel Carnac in Scindia's country was exposed. The money expected from the Rajah was, according to the statement of Mr Hastings, destined to that service. But, in the first place, Mr Hastings was inexcusable, if he left the subsistence of an army, in a dangerous situation, to depend upon a supply which he knew to be precarious. Besides, it is, by the Select Committee, in their Second Report, shown, from a comparison of the dates, that the distress of the army was not an effect of delay in the payments of the Rajah. And it is still further shown by that Committee in their Eleventh Report, that the present of two lacs of rupees (23,000*l.* sterling), which the Governor-General took from the Rajah, he actually proposed to the Council on the 26th of June, 1780, to employ, (not representing it as money not his own) in supporting the detachment under Carnac. The following are a few of the words of the Committee: "If the cause of Colonel Carnac's failure had been true, as to the sum which was the object of the public demand, the failure could not be attributed to the Rajah, when he had on the instant privately furnished at least 23,000*l.* to Mr Hastings, that is, furnished the identical money which he tells us (but carefully concealing the name of the giver) he had from the beginning destined, as he afterwards publicly offered, for this very expedition of Colonel Carnac's. The complication of fraud and cruelty in this transaction admits of few parallels. Mr Hastings, at the Council Board of Bengal, displays himself as a zealous servant of the Company, bountifully giving from his own fortune, and in his letter to the Directors (as he says himself), as going out of the ordinary roads for their advantage, and all this on the credit of supplies, derived from the gift of a man, whom he treats with the utmost severity, and whom he accuses, in this particular, of disaffection to the Company's cause and interests." Ibid p. 7

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On the very evening of the first day after the arrival of the Governor General in the capital of the Rajah, he gave his commands to Mr Markham, the Resident who proceeded the next morning, with a few of his orderlies, to the palace of the Rajah and he thus reported to his employer the result of his mission "The Rajah submitted quietly to the arrest and assured me, that whatever were your orders, he was ready implicitly to obey he hoped that you would allow him a subsistence but as for his Zemindary, his forts, and his treasure, he was ready to lay them at your feet, and his life, if required He expressed himself much hurt at the ignominy which he affirmed must be the consequence of his confinement, and entreated me to return to you with the foregoing submission, hoping that you would make allowance for his youth and inexperience, and in consideration of his father's name, release him from his confinement, as soon as he should prove the sincerity of his offers and himself deserving of your compassion and forgiveness"

This conversation had only been a few minutes ended, when a guard of two companies of sepoys arrived the servants of the Rajah were disarmed and he was left in charge of the officers The sensation which this event produced in the minds of the people was immediately seen The government of the Rajah, and of his father Bulwant Sing had for many years afforded the people an uncommon portion of justice and protection and they had prospered under its beneficent care Captain Harper, an officer of the Company, who had performed a great deal of service in that part of Hindustan was asked in evidence by the Select Committee, "How the provinces of Benares and Gazeepoor were cultivated compared with those parts of Bahar which adjoin, and are only

separated by the river Caramnassa? He said, The provinces of Benares and Gazeepoor were more highly cultivated than any he ever passed through; and far superior to the adjoining one of Bahar; and that he attributed this comparative prosperity of those provinces to the industry of the inhabitants, and to the secure and lenient government they lived under.”¹ In consequence, the family of the Rajah was naturally beloved; and it sufficiently appears, from the affidavits² adduced by the Governor-General, that the English were by the natives, in those parts, in a peculiar manner detested. The confinement of their Prince was an act, which, under the ignominious light in which imprisonment is regarded by the Indians, they viewed as an outrage of the most atrocious description. The passions of the people were inflamed; and they flocked in crowds to the spot where their sovereign was confined. So little had any conception of resistance been entertained, that the two companies of sepoys, who were placed on guard, had come without ammunition. As the concourse of people increased, two additional companies, with a supply of ammunition, were ordered to their support. But before they arrived at the palace, all the avenues were blocked up, and a tumult arose, which soon led to bloodshed, and at last to a furious engagement between the people and the troops. The unfortunate consequence was, that the sepoys and their officers were almost all destroyed. On which side the acts of provocation and violence began, does not suffi-

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¹ Report on the Pétition of Touchet, &c p 56 And the Governor-General himself, in his Minute in Council, 12th of June, 1775, declared, that the Zemindary of the Rajah consisted of “as rich and well cultivated a territory as any district, perhaps, of the same extent in India”

² Appended to his Narrative

BOOK V ciently appear¹ The Rajah, during this confusion,
 CHAP 7 escaped by a wicket which opened to the river, and,
 1761 letting himself down the bank, which was very steep
 by turbans tied together, he escaped to the other side
 The multitude immediately followed him across the
 river, and left the palace to be occupied by the Eng-
 lish troops.

That this assemblage of the people, and the attack which they made upon the guard, was the fortuitous result of the indignation with which they were inspired, by the indignity offered to their prince, and that it was in no degree owing to premeditation and contrivance, was amply proved by the events. The Rajah knew that Mr Hastings was unattended by any military force and, if he had acted upon a previous design would not have lost a moment in securing his person. The Governor General himself declares "If Cheyte Sing's people after they had effected his rescue, had proceeded to my quarters, instead of crowding after him in a tumultuous manner, as they did, in his passage over the river, it is probable that my blood, and that of about thirty English gentlemen of my party, would have been added to the recent carnage for they were about two thousand, furious and daring from the easy success of their last attempt nor could I assemble more than fifty regular and armed sepoys for my whole defence"² Nothing was it possible to have said more decisive of the character of a casual mob led by the mere contingency of the moment without foresight, and without an end

¹ The Rajah asserted and Mr Hastings has nowhere contradicted that the provocation was given by the violence and insolence of the English and their agents. But his assertion unless supported by circumstances should not be such a case go far towards proof

² *Narrative*, c, ut supra

It was by no means worthy of a man of prudence and experience to have proceeded deliberately to a measure so likely to make a violent impression upon the minds of the people, without having made any provision whatsoever for preventing the unhappy effects which it tended to produce. Mr. Hastings, at first, was able to assemble for his defence only six companies of Major Popham's regiment, about sixty sepoys which he had brought with him from Buxar as a guard to his boats, and a few recruits newly enlisted for the Resident's guard; in all, about four hundred and fifty men, and without provisions even for a single day

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Ramnagur was a fortified palace of the Rajah, on the opposite side of the river, close to Benares. It was not expected that it could for any length of time resist the effect of artillery; and the resolution was taken of reducing it with all possible dispatch. The remaining four companies of Major Popham's regiment of sepoys, with one company of artillery, and the company of French rangers, lay at Mirzapoor; and were ordered to march to Ramnagur. Major Popham was destined to assume the command, as soon as all the troops intended for the service had arrived. But the officer, who in the mean time commanded the troops, was stimulated with an ambition of signalizing himself; and, without waiting for the effects of a cannonade, marched to the attack of the palace through the narrow streets of the town by which it was surrounded. In this situation the troops were exposed to a great variety of assaults, and after a fruitless opposition were compelled to retreat. The commanding officer was killed, a considerable loss was sustained, and an unfavourable impression was made at the commencement of the struggle, which would have been a serious evil in a less trifling affair.

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The Governor General now regarded himself as placed in imminent danger. Letter upon letter was written to the commanding officers at all the military stations from which it was possible that timely assistance could be received. Few of these letters reached their destination for all the channels of communication were interrupted and so greatly were the people of the country animated against the English that it was extremely difficult for any agent of theirs to pass without discovery and prevention. The contagion of revolt and hostility flew with unusual rapidity and strength. Not only did the whole of the district which owned the sway of the Rajah fly to arms, the very fields being deserted of the husbandmen who voluntarily flocked to his standards and multiplied his ranks but one half of the province of Oude is by the Governor General affirmed to have been in a state of as complete rebellion as Benares. Even the British dominions themselves afforded cause of alarm many of the Zemindars of Bahar had exhibited symptoms of disaffection and the Governor General received reports of actual levies in that province for the service of Cheyte Sing. The danger was exceedingly augmented from another source. The Governor General was entirely destitute of money and affirms that the whole extent of both his treasure and his credit exceeded not three thousand rupees while the troops were all four months, and some of them five months in arrears.¹

He was alarmed with the prospect of an attack from Hannagar which report described as about to take place in the night. His situation at Benares was regarded by himself and by his military officers, as not defensible and he resolved to make his escape

¹ See his letter to Mr Wellesley, Appended to his Narrative No 127

to the strong fortress of Chunar He secretly quitted the city, after it became dark, leaving the wounded sepoy behind; and arrived in safety at the place of his retreat.

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Though the letters of the Governor-General reached not Colonel Morgan who commanded at Cawnpore, yet some intelligence travelled to him of the disorder which had arisen; and with promptitude and decision he ordered the principal part of the force which he commanded to march. The requisition both for money and for troops, which had been dispatched to Lucknow, was happily received, and was promptly obeyed. About the middle of September, one lack and a half of rupees had been received, and a force was now collected, deemed sufficient for the accomplishment of the enterprise.

The Rajah had endeavoured to make his peace from the moment of his escape. He had written letters, in which he declared his sorrow for the attack which had been made upon the soldiers of the guard, and for the blood which had been spilt; protested his own innocence with regard to the effects which had taken place, and which he affirmed to have arisen solely from the casual violence of the multitude, inflamed by the insolence of an English agent, and professed his readiness to submit with implicit obedience to whatever conditions the Governor-General might think fit to impose. Not contented with repeating his letters, he made application, through every person on whose influence with the English ruler he thought he might depend, through one of the gentlemen of his party, through Cantoo Baboo, his confidential secretary; and through Hyder Beg Khan, one of the ministers of the Nabob Vizir. All his applications Mr. Hastings treated as unsatisfactory and insincere, and deigned not to make to them so

BOOK V He had marched without his battering cannon or
 CHAP 7 mortars. They were sent for, but made little im-
 1781 pression Apprehensive lest further delay should
 frustrate the attempt at Sukroot, he resolved to make
 an assault on the morning of the 20th. On that very
 morning the other division of the army arrived,
 through ways nearly impracticable, at a village, about
 two miles from the pass Major Roberts led the
 storming party at Pateeta, which hardly met with
 any resistance After a slight stand at the outer
 intrenchment, the enemy fled through the fort, and
 the English soldiers followed without opposition
 The pass at Sukroot was guarded by a body of men
 with three guns, who made a stout defence but after
 a considerable loss fled through the pass, in which the
 English encamped for the remainder of the day The
 intelligence of the loss of Pateeta, and of the pass
 was carried, at nearly the same time to Lutteespoor,
 to the Rajah He now, it is probable, began to des-
 pair About four o'clock on the same day he fled
 from Lutteespoor and proceeded with a few followers
 to the fort of Bidgegur, which was his last resource
 His army disbanded themselves and "in a few
 hours, the allegiance of the country" says the Go-
 vernor General "was restored as completely, from a
 state of universal revolt to its proper channel, as if it
 had never departed from it"

The Governor General made haste to return to
 Benares where the formation of a new government
 solicited his attention To quiet the minds of the
 people a proclamation was issued offering pardon to
 all with the exception of Cheyte Sing and his bro-
 ther A grandson of the Rajah Bulwant Sing by a
 daughter was selected as the future Rajah and as
 his years nineteen or his incapacity, appeared to dis-
 qualify him for the duties, his father, under the title

of Naib, was appointed to perform them in his name. BOOK V.
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Two important changes, however, were produced in the condition of the Rajah. His annual tribute was raised to forty lacs of rupees; and the police, with the civil and criminal jurisdiction of the city of Benares, and the criminal jurisdiction of the whole country, was taken out of his hands. It was alleged, that they had been wretchedly administered under his predecessor: and it was either not expected, or not desired, that he should be the author of an improvement. A separate establishment was erected for each, and the whole was placed under the superintendence of a native officer, who was denominated the Chief Magistrate of Benares, and made responsible to the Governor-General and Council. The power of the mint was also withdrawn from the Rajah, and entrusted to the resident at his court. 1781.

After possession was taken of Lutteefpoor, the army lost no time in marching to Bidgegur. The Rajah did not wait for their arrival, but fled for protection to one of the Rajahs of Bundelcund, "leaving," says Mr. Hastings, "his wife, a woman of an amiable character, his mother, all the other women of his family, and the survivors of the family of his father Bulwant Sing, in the fort." Mr. Hastings cuts very short his narrative of the transactions at Bidgegur, and only remarks, that it yielded by capitulation on the 9th of November. These transactions were not omitted by him, because they were devoid of importance. The Rannee, that is, the widow of the deceased Rajah, Bulwant Sing, endeavoured, before she opened the gates of the fort, which had been her own peculiar residence, to stipulate for some advantages, and among them for the safety of her own pecuniary and other effects, representing her son, as having carried along with him whatever belonged to

BOOK V and when the Princesses, with their relatives and
 CHAP 7 attendants, to the number of three hundred women,
 1781 besides children, withdrew from the castle, the capitulation was shamefully violated they were plundered of their effects and their persons otherwise rudely and disgracefully treated by the licentious people and followers of the camp One is delighted, for the honour of distinguished gallantry, that in no part of this opprobrious business the commanding officer had any share. He leaned to generosity, and the protection of the Princesses, from the beginning His utmost endeavours were exerted to restrain the outrages of the camp, and he represented them with feeling to Mr Hastings who expressed his "great concern" hoped the offenders would be discovered, obliged to make restitution and punished and directed that recompense should be made to the sufferer, "by a scrupulous attention to enforce the performance of the remaining stipulations in her favour"¹

The whole of the treasure found in the castle, of which the greater part did probably belong to the Rannee and not to the Rajah amounted to 23 27,813 current rupees The whole, therefore, of the treasure which the exiled Prince appears to have had in hand, not only to defray the current expenses of his government, but also to advance regularly the Company's tribute, was so far from answering to the hyperbolical conceptions or representations of the Governor General that it exceeded not the provision which a prudent prince would have thought it always necessary to possess

The army proceeded upon the obvious import of the words of the Governor General in the letter in which he came to desire that they should not

¹ See Es Letter Tenth Report Select Committee, Appendix, No. 2

allow the female relations of the Rajah to leave the fort, without the examination of their persons. They concluded, that the whole of the booty was "the reward to which they were so well entitled," and divided it among themselves.¹ Among the practical conclusions deducible from his letter, it appears that this, at least, the Governor-General did not wish to receive its effect. He endeavoured to retract the permission which the army had inferred, and, by explaining away the terms which he had used, to recover the spoil for his exigencies in the government. The soldiers, however, both officers and men, refused to surrender what they had, upon the faith of the Governor-General, appropriated. Failing in this attempt, he endeavoured to prevail upon the army, in the way of loan, to aid the Company with the money, in its urgent distress. Even to this solicitation they remained obdurate. When Major Fairfax, in his examination before the Select Committee of the House of Commons, was asked, "whether the officers assigned any reason for refusing to obey the requisition of Mr. Hastings? he said, he heard it was, because the Rohilla prize-money had never been paid."² Mr. Hastings was, therefore, not only frus-

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¹ In a letter to the commanding officer, without date, but supposed by the Select Committee to have been written early in November (vide Tenth Report, App No 3) the Governor-General's words were still more precise, with regard to the booty "If she (the Begum) complies, as I expect she will, it will be your part to secure the fort, and the property it contains, for the benefit of yourself and detachment"

² Second Report, ut supra, Appendix, No 15 "Being asked, whether this was the sole reason? he said, it was Being asked, whether he did not hear it alleged, that a promise was claimed by the officers from Mr Hastings, that the prize-money, in the Rohilla war, when taken, should be the property of the captors? he said, He never heard of a promise previous to the capture, but he has heard that Mr Hastings, after the prize-money was divided, promised, that if they would

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trated as to every portion of that pecuniary relief which he expected from the supposed treasures of the Rajah Cheyte Sing he added to the burden, under which the Company was ready to sink, the expense which was incurred by subduing the revolt

It is but justice to the Court of Directors to record the resolutions, in which they expressed their opinion of the conduct, pursued by their principal servant in India, towards the unfortunate Rajah of Benares

“ That it appears to this Court, that on the death of Suja Dowlah, 1775, a treaty was made with his successor, by which the zemindary of Benares, with its dependencies, was ceded in perpetuity to the East India Company

“ That it appears to this Court, that Rajah Cheyte Sing was confirmed by the Governor General and Council of Bengal, in the management of the said zemindary (subject to the sovereignty of the Company) on his paying a certain tribute, which was settled at sicca rupees 22,66,180 and that the Bengal government pledged itself that the free and uncontrolled possession of the zemindary of Benares, and its dependencies, should be confirmed and guaranteed to the Rajah and his heirs for ever, subject to such tribute, and that no other demand should be made upon him, nor any kind of authority or jurisdiction exercised within the dominions assigned him, so long as he adhered to the terms of his engagements

“ That it appears to this Court that the Governor General and Council did, on the 5th of July 1775 recommend to Rajah Cheyte Sing to keep up a body of 2000 horse but at the same time declared there should be no obligation upon him to do it

deliver it up government would distribute it in the manner they should think most proper”

“ That it appears to this Court, that Rajah Cheyte Sing performed his engagements with the Company, in the regular payment of his tribute of sicca rupees 22,66,180 :

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“ That it appears to this Court, that the conduct of the Governor-General towards the Rajah, while he was at Benares, was improper; and that the imprisonment of his person, thereby disgracing him in the eyes of his subjects and others, was unwarrantable, and highly impolitic, and may tend to weaken the confidence which the native princes of India ought to have in the justice and moderation of the Company's government ”

That the conception, thus expressed by the Court of Directors, of the several facts which constituted the great circumstances of the case, was correct, the considerations adduced in the preceding pages appear to place beyond the reach of dispute. The sensibility which, in his answer, Mr. Hastings shows to the inferences which they present, is expressed in the following words: “ I must crave leave to say, that the terms, improper, unwarrantable, and highly impolitic, are much too gentle, as deductions from such premises ” History, if concealment were not one of the acts by which truth is betrayed, would, out of tenderness to Mr. Hastings, suppress the material part of that which follows, and which he gave in his defence :

“ I deny, that the Bengal government pledged itself, that the free and uncontroled possession of the zemindary of Benares, and its dependencies, should be confirmed and guaranteed to the Rajah and his heirs for ever .

“ I deny, that the Bengal government pledged itself that no other demand should be made upon him, nor any kind of authority or jurisdiction, within the

BOOK V dominions assigned him, so long as he adhered to the
 CHAP 7 terms of his engagement

1781 " I deny, that I ever required him to keep up a body of 2000 horse, contrary to the declaration made to him by the Governor General and Council, on the 5th of July, 1775, that there should be no obligation to him to do it

" My demand (that is, the demand of the Board) was not that he should maintain any specific number of horse, but that the number which he did maintain should be employed for the defence of the general state

" I deny, that Rajah Cheyte Sing was bound by no other engagements to the Company than for the payment of his tribute of sicca rupees 22,66 180 :

" He was bound by the engagements of fealty, and absolute obedience to every order of the government which he served

" I deny, that the Rajah Cheyte Sing was a native Prince of India " ¹

¹ On equal grounds might the denial have been set up, that the Company held the dignity of a prince of India. They were not only the subjects of Shah Aslum, but the subjects of the Nabob of Bengal and, according to the doctrine of Mr Hastings, " bound by the engagements of fealty and absolute obedience to every order of the government which they served." Hear what the Governor General and Council themselves declare respecting their subordinate relation to that Nabob in their secret letter (Second Report ut supra p 22), 3d August 1775. In the treaties entered into with the late Viceroy in the years 1764 1770 the Company's representatives acted as plenipotentiaries from the Nabob Nujum ul Dowlah and his successor Syed ul Dowlah." Hastings's plan of defence was this: To avail himself of the indefiniteness and uncertainty which surrounded every right and every conflict in India and out of that to manufacture to himself a right of unbounded despotism. There is one remark however to which he is, in justice entitled; that this indefiniteness and the latitude of authority the exercise of which was in the practice of the country never bounded by any thing but power exerted a pressure into which it was very difficult not to fall. It is also to be remembered that it is one thing to act under the casual and imperfect information of the moment of action agitated by the passion which the circumstances themselves produce; and a very different thing

Mr Hastings says, " I forbear to detail the proofs of these denials;" and as the pleas involved in them coincide with those allegations of his which have been examined above, it is only necessary to refer to what has there been adduced.¹ The Court of Directors, notwithstanding their condemnation of the treatment which the Rajah had received, and notwithstanding the manner in which, by a train of unhappy circumstances the trial of arms was forced upon him, thought proper to declare, that his dethronement and proscription were justified by the war.²

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It was shortly after his retreat to Chunar, that the Governor-General received from Colonel Muir the intelligence, that Mahdajee Scindia had offered terms of peace. This was an event, calculated to afford him peculiar satisfaction. One of the ostensible objects of his journey was, to confer with the Minister of the Rajah of Berar, who was expected to meet him at Benares ; and, through the influence of

to sit in judgment upon those acts, at a future period, when all the evidence is fully before us, illustrated by the events which followed, and when we are entirely free from the disturbance of the passions which the scenes themselves excite. It is the business of history, to exhibit actions as they really are, but the candid and just will make all the allowance for the actors, of which the case will admit. With regard to Mr Hastings, it ought to be allowed, that the difficulties under which he acted were very great, and might be expected to betray any but a very extraordinary man into expedients for relief which would not always bear examination. Mr Hastings deserves no hypocritical tenderness with regard to the instances in which he violated the rules of justice or of policy, but he deserves credit, in considerable, and perhaps a large degree, for having, in his situation, violated them so rarely.

¹ Vide supra, p. 330—40.

² The official documents relative to this passage of the history of India are found, in a most voluminous state, in those parts of the Minutes of Evidence on Mr Hastings's Trial, which relate to the Benares Charge, in the Second Report of the Select Committee of the House of Commons, (1781) and its Appendix, in the Third of the Articles of Charge, and Answer to it, with the Papers called for by the House of Commons to elucidate that part of the accusation.

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the government of that country, to accelerate the conclusion of a peace. That Minister, however, died before the arrival of Hastings and the loss of his intervention rendered the pacific intentions of Scindia more peculiarly gratifying. So far back as February, 1779, the Presidency of Bombay had recommended the mediation of Scindia, as that which alone was likely to render any service. The Colonel immediately received his instructions, for a treaty, on the terms either of mutual alliance, or of neutrality, and either including the Peshwa or with Scindia individually. If it included the Peshwa the Colonel was authorized to cede every acquisition, made during the war, except the territory of Tutteh Sing Guicowar, Lahar and the fortress of Gualior and to renounce (but without the surrender of his person) the support of Ragonaut Row. He was instructed to retain Bassein, if it were possible, even with the surrender in its stead, of all the territory (Salselte with its adjacent islands and the moiety of Barouch excepted,) ceded by the treaty of Colonel Upton but not to allow Bassein itself to be any obstruction to the conclusion of peace.

When the separate treaty was concluded with Scindia, who undertook to mediate with the Mahratta powers the Governor General who had not yet departed from Bencres sent Mr Anderson and Mr Chapman the former to the court of Scindia, with full powers to negotiate and conclude a peace with the Poonah government the latter to the court of the Rajah of Berar to perform what was in his power towards the accomplishment of the same event.

The business was not very speedily nor very easily concluded. The Poonah ministers, solicited for peace by the three English Presidencies at once though they were somewhat shaken in their opposition by

the defection of Scindia from the war, by the steadiness with which the English sustained themselves against Hyder, by the facility with which they had subdued the Rajah of Benares, and the vigour with which they carried the war almost to the gates of Poonah, were yet encouraged by the pressure which the English sustained, and still more, perhaps, by the eagerness which they manifested for peace.

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Colonel Goddard, not yet informed of the steps which had been taken by Mr. Hastings for urging the business of peace with the Poonah ministers, deemed it necessary, in pursuance of the powers for treating and concluding, with which he was invested, to commence a formal negotiation. And he gave the requisite commission to Mr Watherstone, who arrived at Poonah on the 14th of January, 1782.

The cunning of the Poonah Ministers taught them the advantage of negotiating with two ambassadors, acting under separate commissions; who, by the desire of attaining the object for which they were sent, might be expected to bid against one another, and give to the Mahrattas the benefit of an auction in adjusting the terms of peace. They pretended therefore, to be puzzled with two sets of powers, though they laboured to retain Col. Watherstone, after he was recalled. They put on the forms of distance, and stood upon elevated terms. Scindia, too, who meant to sell his services to the English very dear, was displeased at the commission sent to solicit the interference of the government of Berar. The extensive sacrifices, however, which the English consented to make, the unsteadfast basis on which the power of the leaders at Poonah was placed, and the exhausted state of the country, from the long continuance of its internal struggles, as well as the drain produced by the English war, triumphed over all difficulties, a

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cessation of hostilities was effected early in March and a treaty was concluded on the 17th of May

Not only the other territories which the English had acquired during the war but Bassein itself, the city also of Ahmedabad, and all the country in Guzerat which had been gained for Putty Sing, were given up and the two brothers, the Guicowars, were placed in the same situation, both with respect to one another, and with respect to the Peshwa, as they stood in previous to the war. Even of the territory which had been confirmed to the English by the treaty of Colonel Upton, they agreed to surrender their pretensions to a part (yielding annually three lacs of rupees) which had not yet come into their possession when the war was renewed. And all their rights in the city and territory of Baroach valued at 200,000*l* a year, were resigned, by a separate agreement to Scindia and his heirs for ever. To Scindia was also given up, by the liberty of seizing it, the territory, including the fort of Gualior of the Rana of Gohud who had joined the English but as usual in India with the petty princes, who choose their side from the hope of protection on the one hand and the dread of plunder on the other had been neither very able nor very willing to lend great assistance. Having given offence by his defect of service and created suspicions by his endeavours to effect a separate reconciliation with Scindia he was, in adjusting the terms of the treaty with Scindia left to his fate. The amity of Scindia was purchased, by still further sacrifices which evinced but little foresight. The project of Scindia for invading the territories of the Mogul Emperor those of Nujeef Khan and those of other chiefs in the province of Delhi and the adjoining regions, was known and avowed. And it was intentionally, provided that no obstruction, by the

treaty with the English, should be offered to the execution of those designs.¹

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All that was stipulated in behalf of Ragonaut Row was a period of four months, in which he might choose a place for his residence. After that period the English agreed to afford him neither pecuniary nor any other support. The Peshwa engaged, on the dangerous condition of his residing within the dominions of Scindia, where he was *promised* security, to allow him a pension of 25,000 rupees per month.

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An article was inserted respecting Hyder Ali, to which we have scarcely information to enable us to attach any definite ideas. The Mahrattas engaged, that within six months after the ratification of the treaty, he should be compelled to relinquish to the English, and their allies, all the places which he had taken from them during the war. But neither did the Mahrattas perform, nor did the English call upon them to perform, any one act toward the fulfilment of this condition. The English on their part, engaged that they would never make war upon Hyder till he made war upon them, an engagement to which they

¹ The letter of instructions of the Governor-General to Col Muir says, "We are under no engagements to protect the present dominions of the King, or those of Nudjiff Khan, and the Rajah of Jaynagar, and if peace is settled betwixt Madajee Scindia and us, I do not desire that he should be restrained in carrying into execution any plans which he may have formed against them, at the same time, I think it necessary to caution you against inserting any thing in the treaty, which may expressly mark either our knowledge of his views or concurrence in them. It will be sufficient for us (and Scindia ought to be satisfied with the latitude implied in it) if he is only restricted in the treaty from making encroachments on our own territory, and those of our allies." Second Report, ut supra, App No I. By the way, we may here remark, how enormous a difference exists, between the obligations of fealty which Mr Hastings imposed upon himself (as representative of the Company) towards his undoubted Sovereign the Mogul, and the obligations which, as supposed sovereign of Cheyte Sing, he exacted (on the same ground) from that unfortunate chief. Vide supra, p 356.

BOOK V as little expected that the Mahrattas would call upon
 CHAP 7 them to adhere ¹

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The Mahrattas also agreed, and to this the imaginations of the English attached a high importance, that with the exception of the ancient Portuguese establishments, they would permit no other nation, except the English, to open with them any friendly intercourse, or to erect a factory within their dominions.

The terms of this agreement, the gentlemen of the Presidency of Bombay arraigned as inadequate, nay humiliating, and declared, that had the negotiation been left to them and to Goddard, who best knew

¹ In the twentieth article of charge we have Mr Burke's view of the case. He says, that Mr Hastings did wish to engage with the Mahrattas in a plan for the conquest and partition of Mysore; that in order to carry this point he exposed the negotiation to many difficulties and delays, that the Mahrattas who were bound by an engagement with Hyder to make no peace with the English in which he was not included pleaded the sacred obligation but Hastings undertook to instruct even the Mahrattas in the art of crooked faith by showing how they might adhere to the forms of their engagement while they violated the substance; and what is most heinous of all that Hastings, having effected the assent of the Mahrattas to the article which is inserted in the treaty and led by his desire of conquest opposed obstructions to the conclusion of a peace with the son and successor of Hyder Ali: that it was for this reason he endeavoured to bind the hands of the Presidency of Fort St George by withholding his authority from the negotiation and that it was not till after a long experience of the total absence of any intention on the part of the Mahrattas to engage with him in his schemes upon Mysore and till he was assured of the fact by his agent at the court of Scindia that his late and reluctant assent to the negotiation was obtained; and that after the peace was concluded and ratified by the Supreme Council from which he was absent, and of which by reason of his absence he formed not a part he endeavoured to break it, or at least exposed it with a view to the greatest danger of being broken by insisting that its formal conclusion and ratification should be of none effect and that it should be opened again for the purpose of inserting the article, if a substantive formalty of an article admitting as a party to the Treaty of Arcot. These imputations receive all the confirmation or support by an answer which passing them over in silence appears to admit them.

the state of the Mahratta government, and with what facility it might have been induced to lower its tone, BOOK V.
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a far more favourable treaty might have certainly 1782.
been obtained.

CHAP. VIII

Burdens sustained by the Nabob of Oude—His Complaints—How received by the English—Mr Bristow removed from Oude—Agreement between Mr Hastings and the Nabob—The Begums despoiled—Whether the Begums incited Insurrection—Alleged Oppressions of Colonel Hannay—The head Eunuchs of the Begums tortured—A Present of ten Lacs given to Mr Hastings by the Nabob—Governor General accuses Middleton and replaces Bristow—Treatment received by Fyzoolah Khan—Decision by the Court of Directors, relative to the Begums—Set at nought by Mr Hastings—Governor General's new Accusations against Mr Bristow—Governor General's Plan to remove the Residency from Oude—Governor General repeats his Visit to Oude—Resigns the Government—Financial Results of his Administration—Incidents at Madras

BOOK V. THE next of the great transactions to which the
 CHAP. VIII. presence of the Governor General, in the upper pro-
 1781 vinces, gave immediate existence was the memorable
 arrangement which he formed with the Nabob of
 Oude. In his payments to the Company that Na-
 bob had fallen deeply in arrear and the extreme pe-
 cuniary distress endured by the Company rendered

* Even the pay of the troops was, every where, four and five months
 in arrears.

it necessary to devise the most effectual means for obtaining what he owed. His country, however, had, by misgovernment, fallen into the greatest disorder: The Zemindars were almost every where in a state of disobedience; the country was impoverished; and the disposition of the people, either deserting it or pining with want, threatened the evils, or promised the blessings, of a general revolt.¹ Before the connexion between the English and Oude, its revenue had exceeded three millions sterling, and was levied without being accused of deteriorating the country. In the year 1779, it did not exceed one half of that sum, and in the subsequent years fell far below it, while the rate of taxation was increased, and the country exhibited every mark of oppressive exaction.

By the treaty of Fyzabad, formed with the late Nabob, at the conclusion of the Rohilla war, it was agreed, that a regular brigade of the Company's troops should, at the expense of the Nabob, be kept within the dominions of Oude. Even this burden was optional, not compulsory; and the Court of Directors gave their sanction to the measure, "provided it was done with the free consent of the Subah, and by no means without it."²

To the first was added, in the year 1777, a second, called the *temporary* brigade, because the express condition of it was, that the expense should be charged on the Nabob "for so long a time only as

¹ The Minute in which the Governor-General introduced the subject of his journey to the upper provinces, begins in these words, "The province of Oude having fallen into a state of great disorder and confusion, its resources being in an extraordinary degree diminished, and the Nabob Asoph ul Dowla," &c. Tenth Report of the Select Committee in 1781, App No 2

² Letter of Directors to the Governor-General and Council, dated 15th December, 1775

BOOK V In consequence of these distressing circumstances,
 CHAP 8. the Nabob prayed, that, the assignments for the new

1781 brigade, and the other detached bodies of the Company's troops, might not be required, declaring that these troops were "not only quite useless to his government, but, moreover, the cause of much loss, both in the revenues and customs and that the detached bodies of troops, under their European officers, brought nothing but confusion into the affairs of his government, and were entirely their own masters."¹

This representation which events proved to be hardly an exaggeration, and the prayer by which it was followed, the Governor General received, with tokens of the highest indignation and resentment. "These demands," he said, "the tone in which they are asserted, and the season in which they are made, are all equally alarming" In the letter which was dispatched in his words to the resident, the grounds on which the Nabob petitioned for relief are declared to be "totally inadmissible.—He stands engaged" it is added, "to our government, to maintain the English armies which, at his own request, have been formed for the protection of his dominions; and it is our part, not his, to judge and to determine in what manner, and at what time, these shall be reduced or withdrawn" In his minute, in consultation upon the subject, he says, that, by the treaty made with Asoph ul Dowla, upon the death of his father, "he became eventually, and necessarily, a vassal of the Company" He affirmed that "the disorders of his state, and the dissipation of his revenues, were the effects of his own conduct which had failed, not so much from the casual effects of incapacity as from the detestable choice which he has

¹ Tenth Report, at *supra* Appendix, No 7

made of the ministers of his power, and the participants of his confidence" ¹. And to the Nabob himself he declared, "Your engagements with the Company are of such a nature as to oblige me to require and insist on your granting *tuncaws* for the full amount of their demands upon you for the current year, and on your reserving funds sufficient to answer them, even should the deficiency of your revenues compel you to leave your own troops unprovided for, or to disband a part of them to enable you to effect it" ²

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The difficulties, under which the Governor-General was placed, were severe and distressing. It is true, that the protection of the Nabob's dominions rested solely upon the British troops, and that without loss of time they would have been overrun by the Mahrattas, had these troops been withdrawn; it is true, that the debt due to the Company would, in that case, have been lost, that a dangerous people would have been placed upon the Company's frontier; that the Company's finances, always in distress, and then suffering intensely by war, could not maintain the same number of troops, if their pay was stopped by the Vizir. And the law of self-preservation supersedes that of justice. On the other hand, from the documents adduced, it is evident, that the English had no right to compel the Nabob, if not agree-

¹ The words which follow sufficiently indicate the species of companions which he meant: "I forbear to expatiate further on his character, it is sufficient that I am understood by the Members of the Board, who must know the truth of my allusions." Lord Thurlow, the friend of Hastings, and his fierce defender on his trial, speaks out plainly, and calls them, without reserve, the instruments of an unnatural passion. See "Debates in the House of Lords, on the Evidence delivered at the Trial of Warren Hastings," &c, a quarto volume got up by Mr Hastings, and distributed to his friends, but never published.

² Tenth Report, ut supra, Appendix, No 7

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able to him, to maintain any part of those their troops and the Governor-General was not entitled, as he did, to plead, at once, both the law of self-preservation, and the law of right. The truth also is, that his law of self preservation, when examined, and brought into conformity with the facts, implies a strong convenience, and nothing more. It was very convenient for the English at that time, to have a large body of troops maintained by a different treasury from their own. But it will hardly be maintained at any rate by the friends of Mr Hastings, that in his hands the British empire in India must have been destroyed, had it been compelled to rely upon its own resources. It was for a great convenience, then, and for nothing else, that the English, without any claim of right, compelled the Nabob Vizir to maintain their troops, that is, treated him as the vassal which Mr Hastings described him, and substantially seized and exercised the rights of sovereign and master over both him and his country.

Another point well deserves to be considered whether the original brigade of the Company's troops was not a force sufficient to protect the Nabob's country, against all the dangers with which it was threatened. If the English, who included in their own line of defence the boundaries of Oude, did not provide their due proportion, but impose the whole upon the Nabob, they defended themselves at his expense they delivered themselves from a burthen, which was their own and by compelling the Nabob to bear it violated the laws of justice.

It is also a question whether the troops, quartered upon him in addition to that brigade, as they were kept in idleness in his dominions were not with all their expense of little use either to him or the Company. As they were not employed against the ene-

mies of the Company, they could be of little use in repelling them; and the complaint of the Vizir that they and their officers acted as the masters in his country, and as a source both of expence and of disorder, is confirmed by Mr. Francis, who, in Council, pronounced it "notorious, that the English army had devoured his revenues, and his country, under colour of defending it."¹

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The Governor-General, when pressed for argument, made the following avowal: That ambiguities had been left in the treaty. And that it was the part of the strongest to affix to these ambiguities that meaning which he pleased² That this is a very common political procedure, every one knows. The transaction, however, in its essence, is, it is evident, only a varnish placed upon injustice by fraud. In the present case, besides, it happened, by a singular chance, that ambiguity had not existence, and the allegation of it was false. "So long only as the Nabob pleased," was the express condition of the compact; and the moment at which the Nabob desired relief, the most exact definition was applied.

The Governor-General surmised a circumstance, which always seems to have animated him to peculiar severity, that the idea of the instability of the existing government was among the causes which emboldened the Nabob to complain. "I, for my own

¹ Extract of Bengal Consultations, 15th December, 1779, Tenth Report, ut supra, Appendix, No 7

² His words are these, "As no period was stipulated for the continuance of the temporary brigade, or of the troops which are to supply their place in his service, nor any mode prescribed for withdrawing them; the time and mode of withdrawing them must be guided by such rules, as necessity, and the common interests of both parties, shall dictate. These, either he must prescribe, or ourselves. If we cannot agree upon them, in such a division, the strongest must decide" Ibid.

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part," said he, "do not attribute¹ the demand of the Nabob to any conviction impressed on his mind by the necessity of his affairs but to the knowledge which his advisers have acquired, of the weakness and divisions of our own government. This is a powerful motive with me however inclined I might be, upon any other occasion, to yield to some part of his demands, to give them an absolute and unconditional refusal in the present and even to bring to punishment if my influence can produce that effect those incendiaries who have endeavoured to make themselves the instruments of division between us."²

Under the enormous demands of the English and the Nabob's inability to meet them, the debt with which he stood charged in 1780 amounted to the sum of 1 400 000/. The Supreme Council continued pressing their demands. The Nabob, protesting that he had given up every thing that "in the country no further resources remained and that he was without a subsistence," continued sinking more deeply in arrears. Till the time when the resolution of Mr Hastings was adopted, to proceed to make with him a new arrangement upon the spot.

As a step preliminary to the affairs which the Governor General meant to transact with the Nabob he withdrew the resident Mr Bristow. This gentleman had been appointed by the party of General Clavering, when they removed Middleton, the pri-

¹ It would be very curious, if the Governor General at the commencement of the year 1780 was totally ignorant of the ruin of the Nabob's finances, and in eighteen months afterwards viz at the time of his journey to the upper provinces was so convinced of that ruin as to make it the principal ground of the extraordinary procedure which he adopted and at the same time inability to be real to remove the blame and the eyes of complaint.

² Extract of the Council minutes 1st December 1779. Total Report at supra Appendix No 7.

rate agent of Mr. Hastings. The Governor-General had removed him soon after the time when he recovered his superiority in the Council: The Court of Directors had ordered him to be replaced as unjustly and improperly removed. Mr Hastings, in disobedience of these orders, had refused to replace him, till it became a condition of the compromise into which he entered with Francis: And he now removed him again, with a fresh violation of the authority of the Court of Directors, in conformity with whose orders he occupied the place Mr Middleton was again appointed, on the reason, notwithstanding the condemnation of the Court of Directors, again avowed, that a person in the Governor-General's own confidence was necessary in that situation

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As the Governor-General intended to make a very short stay at Benares, and then proceed to Lucknow, the Nabob had already left his capital, in order to pay him the usual compliment of a meeting, when he received intelligence of the insurrection. Mr. Hastings, who wished not for the interview in a state of humiliation, or under the appearance of receiving protection from his ally, endeavoured by a letter to make him return to his capital. But the Nabob was eager to show the interest which he took in the fate of the Governor-General, or eager to know the situation in which he was placed, and hastened with but a few of his attendants to Chunar. The English ruler was at pains to afford him a cordial reception. And with little debate or hesitation they made a memorable arrangement. In consequence of "the repeated and urgent representations of the Nabob, that he is unable to support the expenses of the temporary brigade of cavalry, and English officers with their battalions, as well as other gentlemen who are now paid by him," (such are the terms of the preamble to the

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covenant) it was agreed, on the part of the Governor-General, that from the expense of the temporary brigade, and of all other English troops, except the single brigade left with Suja ul Dowlah, and a regiment of sepoy's for the resident's guard, and from the expense of all payments to English gentlemen, excepting those of the resident's office the Nabob should be relieved¹ According to another article, permission was granted him to resume such of the jaghires within his territories as he himself might choose, with only this reservation that a pension equal to the net rent should be paid to the holders of such of them as had the Company for their guarantee. An article was also inserted according to which the Nabob was to be allowed, when the suitable time should arrive, to strip Tyzoolla Khan of his territory, allowing him only a pension in its stead.

Such was all that was seen on the face of this agreement where no advantage to the English appeared. The circumstances, however, which consti-

¹ See page 372 where it appears that Hastings, little more than a year before treated as incendiaries, and threatened with punishment those advisers, by whose suggestion he deemed it proper to assume that the Nabob implored the relief which was now granted and so much as stated those sufferings of the country which the Governor-General now held studiously up to view. To threaten to punish the representation of grievances, as Burke justly on this passage remarks, is to endeavour to destroy one of the most sacred duties of a dependant prince and of his advisers; a duty in the highest degree useful both to the people who suffer and to the governing power. It affords a curious moral spectacle to compare the minutes and letters of the Governor-General, when at the beginning of the year 1780, in sustaining the propriety of compelling the Nabob to sustain the whole of the burthen imposed upon him and his minutes and letters when maintaining the propriety of relieving him from these burthens in 1781. The arguments and facts adduced on the one occasion as well as the conclusion, are a flat contradiction to those exhibited on the other. See the Document in the Second and Tenth Reports at supra printed also for the House of Commons on the 16th of Burke's Charge; and in the Minutes of Evidence on the Trial.

tuted the real nature of the transaction were only behind the curtain.

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There were two Princesses, known by the name of the Begums; the one, the mother of Sujah Dowla, the late nabob; the other, the widow of the late Nabob, and mother of the present. These Princesses the preceding sovereign had always treated with the highest consideration and respect; and allowed them a magnificent and expensive establishment. At the death of Sujah Dowla, those Princesses, according to the custom of India, were left in possession of certain jaghires; that is, the government portion of the produce of a part of the land, over which, for the greater certainty of payment, the holder of the jaghire was allowed the powers of management and collection. This was the fund, from which the Begums provided for their state and subsistence; and for the state and subsistence of the numerous families of the preceding Nabobs, placed under their superintendance. Sujah Dowla, at his death, had also left to the Begums the greater part of the treasure which happened to be in his hands; and imagination swelled the sum to a prodigious extent. Mr. Hastings had been disappointed in the mine which he expected to drain at Benares. His power and reputation depended upon the immediate acquisition of money. In the riches of the Begums appeared to lie an admirable resource. It was agreed between Mr Hastings and the Nabob, that his Highness should be relieved from the expense, which he was unable to bear, of the English troops and gentlemen; and he, on his part, engaged to strip the Begums of both their treasure and their jaghires, delivering to the Governor-General the proceeds.¹

¹ To enable the Nabob, "to discharge his debt to the Company in the shortest time possible," that is, to get money from him, and "to

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This transaction, however objectionable it may at first sight appear, Mr Hastings represented as attended with circumstances which rendered it not only just but necessary. The weight of these circumstances ought to be carefully and impartially considered.

In the year 1775, not long after the death of Sujah Dowla, his widow, the mother of the reigning Nabob, complained by letter, to the English government, of the treatment which she received from her son. She stated that various sums, to the extent of twenty six lacs of rupees, had been extorted from her, under the plea of his being in want of money to discharge his obligations to the English chiefs and that a recent demand had been urged for no less than thirty lacs as absolutely necessary to relieve him under his engagements to the Company and to save his affairs from a ruinous embarrassment. Upon the faith of the English government, to which alone she would trust she agreed to make this sacrifice, and it was solemnly covenanted on the part of her son and guaranteed on the part of the English government that no further invasion should ever be made upon her, in the full enjoyment of her jaghires and effects whether she resided within the dominions of Asaph ul Dowla or chose to reside in any other place. This agreement was far from producing peace between the Nabob and the Begums. Perpetual complaints of injurious treatment were made by the Princesses and the business of mediation was found by the English resident a difficult and delicate task.

In the beginning of the year 1778 those dissen

sions rose to a great height, and the aged Princess, BOOK V.
“ whose residence the treatment of her grandson ” (to CHAP 8
use the words of Mr Middleton, the resident) 1781.
“ seems to have rendered irksome and disgusting to
her,” resolved to abandon his dominions, and repair
on a pilgrimage to Mecca To the execution of this
design, the Nabob was exceedingly averse, because
it would withdraw, from the sphere of his power, the
great treasure which he imagined she possessed, and
which at her death, if not before, he could render his
own Both the Nabob and his grandmother applied
to the resident, the one for the purpose of procuring
his influence to prevail upon the Begum to remain;
the other for the purpose of procuring it to induce
the Nabob to allow her to depart The Begum com-
plained that she was subject to daily extortions and
insults; that the Nabob withheld the allowance
which had been established by the late Vizir for the
maintenance of the family of her deceased husband;
that he had resumed the jaghues and emoluments of
her servants and dependants, that he had made no
provision for the maintenance of the women and
children (a very numerous family) of the late Vizir,
his own father; that the education and condition of
the children were wholly neglected, and that the
favourites of the Nabob were allowed, and even en-
couraged, to degrade his family by their oppressions
and insults The resident reported to the Governor-
General and Council, that “ the deportment of the
Nabob toward her, his family, and relations in ge-
neral, was, he could not but admit, very exception-
able, that her claims were very moderate and just,
and such as it would be natural to suppose the Nabob
could not in decency refuse ” He even suggested, if
the Nabob should refuse to comply with these reason-
able demands, “ that the influence of the English

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government should be exerted, to secure to the Begum whatever might appear to be her rights " in which case he doubted not that her design of departing with her treasure would be willingly abandoned

While the resident was endeavouring but without success, to prevail upon the Nabob to afford to his grandmother a reasonable satisfaction he received from the second of the Princesses a representation of the violations which had been committed by her son of the conditions of the recent treaty a treaty which she called upon the English government, in quality of its guarantee, to protect. The resident in vain endeavoured to improve the behaviour of the Nabob and, in reporting upon his disappointment, observes, " I have on all occasions, as much as possible avoided troubling the Honourable Board with any matters which reflect upon the conduct or government of the Nabob, wishing rather to check and obviate abuses, by friendly admonitions and remonstrances to his Excellency himself, than to correct them by an appeal to your authority. But such is his Excellency's disposition and so entirely has he lost the confidence and affections of his subjects, that, unless some restraint is imposed upon him, which would effectually secure those who live under the protection of his government, from violence and oppression, I am but too well convinced, that no man of reputation or property will long continue in these provinces."¹

On the 29th of March the Council-General, in which Mr Hastings had then the ascendant² took under their consideration the complaints of the Be

¹ Mr Melville's Letter to Gov.-Gen. and Council dated Fyzabad JF b 1770. Report *supra*

² The members were Mr Hastings, Mr Barwell, Mr Francis, Mr Wellesley

gums With regard to the eldest of the Princesses, and those of the relations and subjects of the Nabob, in favour of whom the guarantee of the Company was not interposed, they held themselves incapable, in any other way than that of remonstrance and by tokens of displeasure, to oppose the oppressions of the Nabob. But as they had become parties to a treaty for the protection of the second of the Begums, the mother of the Nabob, they determined to make use of their authority in her behalf. On the rapacity which he had practised with respect to the elder of the Begums, and some of his other relations, their instructions to the resident were in the following words, "We desire you will repeat your remonstrances to the Vizir on these points, in the name of this government; representing to him the consequences of such an arbitrary proceeding; the reproach to which his honour and reputation, as well as ours, from being connected with him, will be exposed, by such acts of cruelty and injustice; and the right which we derive, from the nature of our alliance with him, to expect that he will pay a deference to our remonstrances." They add, "with respect to the Bow Begum (the mother of the Nabob), her grievances come before us on a very different footing. She is entitled to our protection, by an act, not sought by us, but solicited by the Nabob himself. We therefore empower and direct you, to afford your support and protection to her, in the due maintenance of all the rights she possesses, in virtue of the treaty executed between her and her son, under the guarantee of the Company"¹

¹ Report, ut supra The documents to which reference is here made, were all reprinted, both in the papers called for by the House of Commons, and in the Minutes of Evidence, taken at the Trial in Westminster Hall

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Such was the light in which the relative conduct of the Nabob and the Begums appeared to the Governor General and Council, in 1778 and on the footing which was then established, matters between them remained, till the meeting between Mr Hastings and Asoph ul Dowla at Chunar, in 1781, when the Nabob was, by treaty, allowed to seize the property of the Princesses, and of others his relations and, on the condition of bestowing that property upon the English, actually rewarded for the seizure by obtaining relief from a permanent and oppressive expense. The reasons which Mr Hastings adduced for this proceeding are, that the Begums had endeavoured to excite insurrection in Oude in favour of Cheyte Sing, and that they employed their power and influence to embarrass and disturb the Nabob's administration.

If the testimony of an accuser shall pass for proof, when that accuser derives great advantage from the supposition of guilt and great loss from the supposition of innocence no individual is under protection. It is further to be remarked that the insurrection at Benares happened on the 16th of August and the treaty by which the Nabob was authorized to resume the jaghires was signed at Chunar, on the 19th of September. The Begums, who had first to hear of the insurrection at Benares and then to spread disaffection through a great kingdom had, therefore, little time for the contraction of guilt. Besides when the government of the Nabob as the English themselves so perfectly knew had fallen into contempt and detestation with all his subjects it was very natural to suppose that the servants and dependants of the Begums who were among the severest of the officers, would not be the least forward in exhibiting their sentiments. And as the exclusion of the

Begums rendered it impossible for them to superintend the conduct of their servants abroad, they were less than other people responsible for their conduct.

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But the observation of greatest importance yet remains to be adduced. What was the proof, upon the strength of which the Begums were selected for a singular and aggravated punishment? Answer; no direct proof whatsoever. Hardly an attempt is made to prove any thing, except a *rumour*. Mr. Hastings's friends are produced in great numbers to say that they heard a *rumour*. Upon allegation of a *rumour*, that the Begums abetted Cheyte Sing, judgment was pronounced, and punishment followed.

Before a just judgment can be pronounced, and punishment can be justifiably inflicted, it is necessary that trial should take place, and that the party accused should be heard in his defence. Was this justice afforded the Begums? Not a tittle of it. So far from it, that Mr. Hastings, while yet in the heat of the insurrection at Chunar, when the Begums had scarcely had time to rebel, much less had he had time to make any inquiry into the imputation of guilt, at a moment when all was confusion, alarm, and hurry, when every thing was ready to be reported, and every thing to be believed, pronounced a final judgment, to supersede the guarantee of the English government, to strip the Princesses of Oude of their estates, and give them up helpless into the hands of the Nabob.

Of the evidence adduced upon this important point, it is highly requisite to give a short account. If any thing be indispensable to righteous judgment, it is, that evidence should first be collected, and judgment follow after. Mr. Hastings pronounced judgment, and sent his instrument, the Nabob, to inflict punishment, in the first place. Some time after all this

BOOK V thus circumstanced could be no proof of the guilt of
 CHAP. 8 an absent party

1781 These affidavits affirm not one criminal fact on the part of the Begums. All that they affirm with regard to these Princesses is *rumour* merely. The witnesses had *heard* that the Begums instigated that disaffection, which manifested itself in almost every part of the Nabob's dominions. In one sense this is evidence of the fairness and honourableness of Mr Hastings for undoubtedly it goes a certain way to prove that no undue means were used to put matter into these affidavits.

Some of them speak directly to certain tumultuary proceedings in Goruckpore one of the districts of Oude. But the insurrection if such it might be called was not against the *British* authority for there was none there to oppose. The *Nabob's* sepoys were refractory for want of pay. An Aumil, or reuter of the Begums showed a disinclination to permit a party of the *Nabob's* sepoys to pass through his district which he knew they would plunder, and hence impose upon him a severe pecuniary loss. And the country people in general showed a hostile disposition to these same sepoys of the *Nabob*. What has this to do in the smallest degree with the *British* authority? And if the sepoys had been *British* which they were not what proof is given that the Begums were the cause of the hatred they experienced or knew of the commotions to which that hatred gave birth?¹

¹ Continually to the Nabob's officers was no meddling with the Begums nor ever a rebellion till it suited the Company's General. In January 1766 when the Begum was complainant to the English government and when it was affirmed for protection the Resident in the province the Company's General and Council "I make it a complaint to the Begum for the long pretence but of her misgovernment which she thereby robbed of all independence of the Nabob's authority." See

Rumour affirmed that the Begums promoted the disaffection. If rumour, on such an occasion, were a proper ground of belief, rumour affirmed that the Nabob himself, together with his brother Saadut Ali, not only abetted the disaffection, but had entered into a deliberate plan for the extirpation of the English from the country. Why is rumour to be evidence against one, not evidence against another, just as it suits the pleasure or convenience of Mr. Hastings?

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One of the deponents, who spoke most distinctly to what he reckoned symptoms of hostility on the part of the Begums, was a Major Macdonald, an English officer, in the service of the Nabob. He states that his march, at the head of a party of the Nabob's sepoys, was opposed by Zahim Sing, a Zemindar, who had long been treated by the Nabob as a rebel. This hostile chief showed, even to Macdonald's people, a paper purporting to be a sunnud from the Nabob, restoring him to his Zemindary, and vesting him with the government of certain districts, and he informed them he had the Nabob's instructions to drive, says the affidavit, "the Fringies out of his districts, that he only waited for the fortunate hour, boats being already provided from Fyzabad (which the deponent knew absolutely to be the case) to cross the Gogra, and carry the Nabob's orders into execution. Further, that his Excellency had altered his sentiments regarding the part he was to take in the present contest, that his Excellency set out with the intent of adhering to his treaty with the Company, but that Mirza Saadut Ali wrote him he was to blame if he gave any assistance; that now was the time to shake off the English yoke, that it might not be prudent to declare himself at once;

the officers of his government, and refused obedience to his Perwanahs " Minutes, ut supra, p 2048

government. Mr. Holt, who was appointed assistant to the resident at the Vizir's court about the beginning of the year 1780, was asked, "Did you hear that Colonel Hannay was himself in particular danger from the insurrections in 1781? I did.—What do you suppose those insurrections arose from at first—did you ever hear of any machinations or contrivances of particular persons, or did you ever hear what the cause was that they objected to? I have heard it was owing to the misconduct and misgovernment of Colonel Hannay."¹

Captain Edwards, another of the Company's officers, who had obtained permission to accept of service with the Vizir, and who was aid-du-camp to that Prince at the time of Mr. Hastings' quarrel with Cheyte Sing, was asked, "In what situation was Colonel Hannay," meaning, in the service of the Vizir? "I understand that he rented a great part of the Nabob's country, called Baraitch and Goruckpore.—Do you know what was the general fame of the country with respect to Colonel Hannay's administration in those provinces? That the measures of his government appeared to the natives there very unjustifiable and oppressive—Did you ever see, or know, any fact or circumstance from which you could infer in the same manner? When I accompanied his Excellency the Nabob into that country, (I believe it was the latter end of the year 1779, or early in the year 1780) the country seemed to be little cultivated, and very few inhabitants made then appearance, and the few that were in the country seemed much distressed, and I understood that the country had been better peopled, but that they had all left the country in consequence of Colonel Hannay's ad-

¹ Minutes, ut supra, p. 391 See to the same purpose the evidence of Colonel Achmuty, p. 783

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 1781 ministration.—Was it at Lucknow that you heard the reports concerning Colonel Hannay, and his oppressions? It was both at Lucknow, and at many other places it was a general report.¹

It is also a circumstance of great importance, that when Colonel Hannay entered the service of the Nabob in 1778, he was a man in debt, or what is called by the witness "involved circumstances." Before the end of 1781, that is in a period of about three years he was understood to have realized a fortune of 300,000l.²

It is now, however, in justice to Colonel Hannay, to be observed, that with regard both to the oppressions of which he is accused, and the vast amount of his fortune, most of the evidence adduced is evidence rather to the *rumour* of these facts, than to the facts themselves. But if this be a plea, as it undoubtedly is, in behalf of Colonel Hannay, it is a plea, it must be remembered, no less availing in favour of the Begums. It appears, indeed, with strong evidence from the cross examination of Mr Hastings own witnesses upon the trial that a considerable number of the Rajahs, or ancient chiefs of the country, who till that time had remained in possession of their respective districts, paying an annual sum as revenue, to the Vizir were driven out during the administration of Colonel Hannay and that they retained the country in a state of perpetual disturbance, by endless efforts for their restoration.³ This accounts for the

¹ Minutes at supra, p. 778, 782. Of the insurrections one principal part at least was occasioned by indignation at the confinement of a great number of persons in the Fort of Goruckpore followed by a design to effect their rescue. See Minutes, at supra p. 1903 where a letter of Colonel Hannay's is acknowledged to the officers on the spot stating that the release of those prisoners would quiet the country. See the Cross Examination of Captain Williams throughout Book p. 191.—1906.

² Ibid. p. 90 321

³ Ibid. p. 1909—1908.

turbulent state of the country. Whether it was in-
justice, by which the Rajahs were expelled; or whe-
ther it was impossible to make them obedient sub-
jects, sufficient evidence is not afforded to deter-
mine.

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It is at any rate certain, that Colonel Hannay became in the highest degree odious to the Vizir; for he dismissed him from his service before the end of the year 1781, and having heard that he was using his influence to be sent back, he wrote to the Governor-General, about the beginning of September following, in these extraordinary terms:

“ My country and house belong to you ; there is no difference. I hope that you desire in your heart the good of my concerns. Colonel Hannay is inclined to request your permission to be employed in the affairs of this quarter. If, by any means, any matter of this country, dependant on me, should be intrusted to the Colonel, I swear by the Holy Prophet, that I will not remain here, but will go from hence to you. From your kindness let no concern, dependant upon me, be intrusted to the Colonel; and oblige me by a speedy answer which may set my mind at ease.”¹

It is also a most suspicious circumstance, that the accusations of the Begums seem originally to have come from Colonel Hannay, and to have depended almost entirely upon the reports of him and his officers; who were deeply interested in finding, for the disturbances of the country, which they ruled, a cause different from their own malversations.

When the Nabob departed from Chunar, at which time, according to the statements of Mr. Hastings, the Begums were in a state of rebellion, he

¹ Minutes, ut supra, p 660.

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chose to pass through Fyzabad, the place of their residence, accompanied merely by his usual attendants, and about five or six hundred horse and, according to the opinion of Captain Edwards, probably entered the city with only a few attendants, and in general his rate of travelling far exceeded the utmost speed of a body of horse

As every mark of suspicion that rebellion was excited or intended by the Begums was thus removed from the behaviour of the Nabob so not a single expression ever appears to have been obtained from him, which implied that they had been guilty of any such offence and yet if he had conceived any apprehension from them, it was to the English he must have flown for protection, and to them he would naturally have communicated his fears. His aid-du-camp Captain Edwards, who had accompanied him to Chunar, and proceeded with the rest of the troops to Lucknow, when the Nabob left the direct road to his capital to pass through Fyzabad, was asked "Did you hear upon the return of the Nabob, and Hyder Beg to Lucknow, any charge or any thing that led you to believe that discoveries of rebellion or treason had been made by the Nabob while at Fyzabad? No, I did not — When did you first hear of any accusation or charge of any rebellion or disaffection against the Begums? Some time after I arrived at Lucknow. About a fortnight after I heard the gentlemen in the Resident's family mention the different accounts that Colonel Hannay and his officers had sent — Was the intelligence you received upon that subject confined to communications made by Colonel Hannay and his officers to the Resident's office or did you hear of any other besides? I heard that such reports prevailed at Lucknow among the natives, which were not generally believed and there were a few who

mentioned they had heard the reports.—The question put to you is, whether you heard of any other instances than those mentioned by Colonel Hannay and his officers? I heard my own servants say, as they went through the market place, they had heard from the Resident's servants, that they had heard such reports did prevail.—Meaning the reports from Colonel Hannay? Yes, meaning those reports—Did the natives in general give any credit to these reports? No, I do not think they did—Did you not hear more of this sort of report after the treasure was seized in January, 1782? I did I heard the treasures were seized in consequence of the report, and the charge and accusation, made by Colonel Hannay and some of his officers, that the Begums had been in a state of rebellion”¹

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As Colonel Hannay and his officers, white and black, were almost the only persons whose affidavits, originally taken at Lucknow, imputed any acts of disaffection to the Begums, so they were his officers, including the Paymaster of his troops, who alone, or nearly so, were called to prove the allegation in England. One or two other persons, the aid of whose testimony was required, could speak to nothing but *reports*, at Allahabad, or at Calcutta. And it appears, with great force of evidence, from the examination of the witnesses adduced in favour of Mr. Hastings, that the accusation rested upon the allegations of Hannay, and his officers, who, themselves, could affirm nothing but rumour, or facts of which it is more probable that they themselves were the cause than the Begums; and that the story, being taken up by Mr. Hastings, and propagated by him and his friends, with all the authority of government, was

¹ Minutes, ut supra, p 777

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spread abroad among the English throughout the country, and by them, in the usual manner, upon no better authority, passively, but not the less fervently, and confidently, believed.¹

The departure of the Nabob from Chunar, for the purpose of seizing the property of his mother and his grandmother was urged by Mr Hastings upon the arrival however of that Prince in his own dominions, he manifested a great reluctance to enter upon the ungracious work. The Governor General waited, as he himself informs us, "with much impatience." He urged the Nabob by the strongest remonstrances. He enjoined the Resident, in the most earnest and most peremptory terms to leave no effort unattempted for the accomplishment of this important event. The reluctance however of the Nabob continued unshaken and Mr Middleton the Resident, was instructed to supersede the authority of the Nabob, and perform the necessary measures by the operation of English power. He proceeded at last to the execution of the Governor General's commands: but the Nabob shocked at the degradation which he would sustain in the eyes of his people if acts under his government of so much importance should appear to emanate from any power but his own, undertook the melancholy task.² The

¹ See Minutes of Evidence for the Prosecution, p. 361—391. Do for the Defence p. 18. 3—2008.

² Accordg to Mr Hastings the Nabob had no objection to plunder the *Logan*. But he had given jaghires to certain persons whom Mr H. to call his "Orderlies, and others of that stamp." "the company of his lower hours." These he wished not to resume and therefore endeavoured to depart from his engagement of resumption altogether. But the cause appears not sufficient to account for the effect. If he had retained the jaghires of his orderlies, which were of trifling amount, what would have hindered him from giving them something of equal or greater amount?

words of the resident to the Governor-General are BOOK V.
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 instructive: "I had the honour to address you on 1781.
 the 7th instant, informing you of the conversation
 which had passed between the Nabob and me on the
 subject of resuming the jaghires, and the step I had
 taken in consequence." The step was the issuing of
 perwannahs or warrants to the Aumils or agents on
 the jaghires, to desist from acting in behalf of the
 Begums "His Excellency appeared to be very
 much hurt and incensed at the measure. And loudly
 complains of the treachery of his ministers, first, in
 giving you any hopes that such a measure would be
 adopted, and, secondly, in promising me their whole
 support in carrying it through. But as I apprehended" (he means, expected) "rather than suffer it
 to appear that the point had been carried in opposition
 to his will, he at length yielded a nominal acquiescence, and has this day issued his own perwannahs
 to that effect—declaring, however, at the same time,
 both to me and his ministers, that it is an act of compulsion."¹

The resumption of the jaghires was not the only measure which had been conceived and resolved against the Begums. Their treasures were to be

¹ Letter to Mr Hastings, dated 9th of Dec 1781. Notwithstanding these, and the numerous other proofs, that Hastings was well aware of the reluctance of the Nabob, to proceed to the acts by which his parents were plundered, Hastings, when it suited his purpose to put on the show of a wonderful tenderness for the Nabob, wrote to his private agent, Major Palmer, viz on the 6th of May, 1783, "that it had been a matter of equal surprise and concern to him, to learn from the letters of the resident, that the Nabob Vizir was with difficulty, and almost unconquerable reluctance, induced to give his consent to the attachment of the treasure deposited by his father under the charge of the Begum his mother, and to the resumption of her jaghire, and the other jaghires of the individuals of his family." As if he had never heard of these facts before! Such specimens of Mr Hastings, as this, meet us often in the records of his government.

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CHAP. 8.

1782

seized¹ The Nabob and the resident, with a body of English troops, proceeded towards the abode of the princesses at Fyzabad, where they arrived on the 8th of January. The first days were spent in demands

¹ As some confusion took place though much less than what was expected and the servants and agents of the princesses withheld not some demonstrations of opposition, when the jaghires were taken away this was called resistance and Mr Hastings was willing it should appear that this was heinous guilt, and that only in punishment of this guilt the resolution of seizing their money was adopted. (See Letter of Governor-General and Council to the Court of Directors, 11th of February 1782 Tenth Report, *ut supra*, Appendix No 5.) He himself however, has furnished sufficient proof that the resolution was adopted before the resumption of the jaghires was begun. "It may be necessary" he says, in his letter dated at Sunagegunah on the Ganges 23d of January 1780 in this place to inform you, that in addition to the resolution of resuming the Begums jaghires the Nabob had declared his resolution of reclaiming all the treasures of his family which were in their possession and to which by the Mahomedan laws he was entitled. This resolution I have strenuously encouraged and supported. I have required and received the Nabob's promise that whatever acquisitions shall be obtained from the issue of these proceedings, it shall be primarily applied to the discharge of the balance actually due from him to the Company" (Tenth Report *ut supra*, Appendix No. 6 and Minutes of Evidence *ut supra*, p. 707B.) Before the acquiescence of the Nabob could be procured to the execution of the plan for resuming the jaghires, viz on the 6th of December 1781 the Resident writes to Mr Hastings as follows: "Your pleasure respecting the Begums, I have learnt from Sir Eljah and the measure heretofore proposed will soon follow the resumption of the jaghires. From both, or indeed from the former alone I have no doubt of the complete liquidation of the Company's balance." These expressions apply so necessarily to the seizure of the treasures that they can be applied to nothing else. In another letter to the Governor General on the following day the Resident alludes to the same measure in the following terms: "His Excellency talks of going to Ivalah for the purpose heretofore mentioned in three or four days. I wish he may be serious in his intention and you may rest assured I shall spare no pains to keep him to it." The representation which was made by him in this letter to the Directors and in the defence which Mr Hastings first presented to the House of Commons that the oppression of the Begums to the seizure of their jaghires was the cause on account of which the treasure was forcibly taken away from them. Mr Hastings gave a second defence and stated affirmatively the assertion was a libel. In the defence Minutes of Evidence at the Trial p. 260. It was attempted to account for the blunder by stating that the first defence was not written and hardly examined by Mr Hastings.

and negotiations On the 12th the troops were or- BOOK V.
dered to storm the town and the castle, but little or no CHAP 8.
opposition was made, for no blood was shed on either 1782.
side. and the troops took possession of all the outer
enclosure of the palace of one of the princesses, and
blocked up the other.

Still, however, the female apartments were un-
violated, and the treasure was not obtained The
difficulty was to lay hands on it without the disgrace
of profaning and polluting the sacred precinct The
principal agents of the princesses were two aged
personages of great rank and distinction, who, had
been in high trust and favour with the late Nabob;
the eunuchs, Jewar Ali Khan and Behar Ali Khan.
It was resolved to put those personages in confine-
ment, and apply to them other severities, in order
that the Begums might, by their compassion, be
moved to give up the treasure; or that the eunuchs
themselves should be compelled, by their sufferings,
to give up what was in their own custody, and use
their influence with the princesses to resign what
they possessed. By the torture of one party, money
was to be extorted from another. The cruel lessons
of Eastern despotism were well acquired by Eng-
lishmen.

The expedient was attended with success. The
Begums, or rather the elder of the two, in whose pos-
session, as head of the female department, the treasure
was placed, was wrought upon by these proceedings
to make a surrender, and money was paid to the
English resident to the amount of the bond given to
the Company by the Nabob for his balance of the
year 1779-80.

The eunuchs were not yet released Another balance

According to this account, his blood was very cool upon the subject of
his accusation, notwithstanding the loud complaints he so frequently
preferred of the mental torture which it inflicted upon him

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remained, for the year 1780-81 Money for the discharge of this remaining debt was also demanded of the Princess "She declared with apparent truth," says the Resident "that she had delivered up the whole of the property in her hands excepting goods which from the experience" he adds "of the small produce of the sale of a former payment made by her in that mode, I refused as likely to amount, in my opinion, to little or nothing" Money however, was absolutely required and new severities were employed To the officer guarding the eunuchs, the following letter was addressed by the Resident, dated the 20th of January, 1782 "Sir, when this note is delivered to you, I have to desire, that you order the two prisoners to be put in irons, keeping them from all food &c. agreeable to my instructions of yesterday (Signed) Nath Middleton "

The sufferings to which they were thus exposed drew from the eunuchs the offer of an engagement for the payment of the demanded sum, which they undertook to complete, within the period of one month from their own credit and effects The engagement was taken, but the confinement of the eunuchs was not relaxed the mother and grand mother of the Nabob remained under a guard and the Resident was commanded, by Mr Hastings, to make with them no settlement whatsoever In the mean time the payment, upon the bond extorted from the eunuchs, was begun the Begums delivered what they declared was the last remaining portion of their effects, including down to their table utensils and the Resident himself reported "that no proof had yet been obtained of their having more" Before the 23d of February 1782, upwards of 500 000/ had been received by the Resident for the use of the Company and there remained on the extorted bond a balance, according to the eunuchs of 25,000/ and

of no more than 50,000*l.* according to the Resident. BOOK V.
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1782.
The prisoners entreated for their release; declaring their inability to procure any further sums of money while they remained in confinement; but expressing a confident hope of being able to raise the balance required, if they were allowed to go abroad among their friends, and solicit their assistance. So far from any relaxation of their sufferings, higher measures of severity were enjoined. On the 18th of May, after they had lain two months in irons, the officer who commanded the guard under which they were confined, wrote to the Resident in the following words, "The prisoners Behar Ali Khan, and Jewar Ali Khan, who seem to be very sickly, have requested their irons might be taken off for a few days, that they might take medicine, and walk about the garden of the place where they are confined. Now, as I am sure that they will be equally secure without their irons as with them, I think it my duty to inform you of this request. I desire to know your pleasure concerning it" The nature of the orders under which the Resident acted, rendered it necessary for him to refuse the smallest mitigation of their torture. Nay, within a few days, that is, on the 1st of June, other terrors were held up to them. They were threatened to be removed to Lucknow, where, unless they performed without delay what they averred themselves unable to perform, they would not only be subjected to still severer coercion, but called upon to atone for other crimes. As these crimes were not specified, the threat was well calculated to act upon their fears. It involved the prospect of unbounded punishment; any infliction, in short, for which persons with arbitrary power in their hands could find or feign a pretence. Several expedients were offered both by the prisoners and the Begums, who were alarmed at the prospect of losing by removal their confidential

BOOK V servants These expedients were not treated as ob-
 CHAP. B. jectionable, on any other score except that of time
 1782 They were rejected The prisoners were removed

to Lucknow, and cruelties inflicted upon them, of which the nature is not disclosed, but of which the following letter, addressed by the assistant resident to the commanding officer of the English guard, is a disgraceful proof ' Sir, the Nabob having determined to inflict corporal punishment, upon the prisoners under your guard this is to desire that his officers, when they shall come, may have free access to the prisoners, and be permitted to do with them as they shall see proper "

All the measures, however, of severity which could be devised, proved unavailing though the women of the Zenana were at various times deprived of food till they were on the point of perishing for want The rigours went on increasing till the month of December when the Resident, convinced both by his own experience and the representation of the officer commanding the guard by which the princesses were coerced that every thing which force could accomplish was already performed, and that if any hope remained of further payments it was by lenient methods alone they could be obtained removed of his own authority the guard from the palaces of the Begums, and set at liberty their ministers. As endeavours had been used to make the severities appear the act of the Nabob so the Resident strove to make the favour appear the bounty of the man by whom the English sceptre was swayed declaring to the Begum that it was the Governor General from whom the relief had been derived and that he ' was the spring from whence they were restored to their dignity and consequence " The letter in which the commanding officer reported the execution of the order of release, exhibits what no other words can

express "I have to acknowledge the receipt of your letter of the 2d instant; and, in consequence, immediately enlarged the prisoners, Behar Ali Khan, and Jewar Ali Khan, from their confinement, a circumstance that gave the Begums, and the city of Fyzabad, in general, the greatest satisfaction. In tears of joy, Behar, and Jewar Ali Khan, expressed their sincere acknowledgments to the Governor-General, his Excellency the Nabob Vizir, and to you, Sir, for restoring them to that invaluable blessing, liberty; for which they would ever retain the most grateful remembrance, and at their request I transmit you the enclosed letters. I wish you had been present at the enlargement of the prisoners. The quivering lips, with the tears of joy stealing down the poor men's cheeks, was a scene truly affecting. If the prayers of these poor men will avail, you will at the last trump be translated to the happiest regions in heaven"¹

Of the transactions of Mr Hastings with the Nabob at Chunar, another feature still remains. A present was offered; a present of a sum of no less than ten lacs, or 100,000/ sterling; and notwithstanding the Company's laws against presents, notwithstanding the acknowledged distress of the Nabob, and his inability to pay the debt which he owed to the Company, it was accepted. The Nabob was totally unprovided with the money, the gift could be tendered only in bills, which were drawn upon one of the great bankers of the country. As the intention of concealing the transaction should not be imputed to Mr. Hastings, unless as far as evidence appears,²

¹ Letter to the Resident, dated Fyzabad, 5th of December, 1782. See Tenth Report, ut supra, and Minutes of Evidence, ut supra, p 848, 725, Appendix to 2d Art of Charge, p 78, 97, 43, 172

² The removal just before of the Company's agent Mr Bristow, and

BOOK 1 so in this case the disclosure cannot be imputed to
 CHAP 8. him as virtue, since no prudent man would have
 1782. risked the chance of discovery which the publicity of
 a banker's transactions implied Mr Hastings in-
 formed the Directors of what he had received, in his
 letter dated the 20th of January, 1782 and in very
 plain terms requested their permission, as a reward
 for his services, to make the money his own¹

In the beginning of 1782, when little or no pro-
 gress had been made in realizing the sums of money
 which the Governor General expected from his ar-
 rangements with the Nabob he began to express, in
 a strain of unusual severity, his disapprobation of the
 Resident, Mr Middleton either really dissatisfied
 with him under the failure of his efforts or, by a
 concerted plan, anticipating the commands of the
 Directors for the restoration of Bristow, and removing
 the confidential agent, now when the confidential
 transactions were closed that the restoration of
 Bristow might carry the appearance of his own act,
 and receive its completion before the commands of
 the Directors should arrive² Manifesting extreme

the appointment of a private agent of his own, ought constantly to be
 treated as a ground of suspicion because it is exactly what a man with
 rapacious intentions would have performed

¹ Letter of the Governor-General Eleventh Report, *ut supra*, Appen-
 dix C No 1 Why he should have wished for his reward out of this,
 rather than any other portion of the Company's money at first strikes
 the mind as obscure But a very appropriate reason may be supposed
 Drawn from any of the known sources of the Company's revenue the
 money must have appeared in the accounts and could not be given to
 the Governor General without the consent of the Company at large
 The assent of the Directors obtained, the gift of the Nabob might have
 never appeared in any account no consent of the Company at large have
 been sought and the donation appropriated by the Governor-General
 without the knowledge of the public.

² The complaints against Middleton are exposed to the suspicion of
 immaturity 1 by their unreasonableness, 2 by the conformity of the
 artifice to the character of Mr Hastings 3 by its great utility for the
 interests of his reputation as well as of his pride and consequence 4 by

anxiety for the acquisition of the money, on account of which he had ventured on disreputable ground, "the agreement," he said, "which I concluded with the Vizir has yet served only to gratify revenge, or some concealed interest, and to make me odious to my own countrymen."¹ The resident had at first suggested his doubts, whether the force which he could employ in the resumption of the jaghires would be sufficient to overcome the opposition which he anticipated. "I judged it improper," says the Governor-General, "to expose a service of such importance, either to the hazard of a defeat, or the chance of a delay, and therefore immediately issued orders for the march of Colonel Sir John Cumming, with his entire detachment, for the performance of it."² The resident hastened to communicate his opinion, that the Nabob would be alarmed and disgusted at the march of this force into his dominions, that the payment of the detachment would be a breach of the immediate treaty, equivalent to an order for imposing upon him anew the expense of the temporary brigade, that a part of the Nabob's troops were equal

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the continued and very extraordinary subservience of Middleton, afterwards, to the views of Hastings, notwithstanding the serious injury which he now sustained at his hands

¹ Letter to Middleton, dated Benares, 1st of January, 1782. Extracts from Papers (in No 1, vol 1) presented to the House of Commons, 13th of March, 1786, p 52. The Governor-General, showing a keen sensibility to the imputations on his character to which the transactions in Oude exposed him, ("I must desire," said he, "that your letters, upon all official and public subjects, may be official, I cannot receive any as private, and my reputation and character have been too far committed to admit of an intercourse which I cannot use as authority") seemed to think that the success of the measure, the money in hand, would sanctify the means. The rule, he well knew, too generally holds

² Letter from the Governor-General to the Council, dated 23d of January, 1782, Tenth Report, Appendix, No 6

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to the service; and that a fortnight would suffice for its accomplishment. Under these representations the Governor-General ventured not to continue the march of the detachment but he declared to the resident, that the contradictions in his statements covered them with doubts, and, if the resident could not assure him of his perfect competence to the service, that he would himself suspend his journey to the Presidency, and repair to Lucknow for the accomplishment of the business in person. The resident declared his competence and the Governor-General departed from Benares on his way to Calcutta on the 7th of January. He departed, however "after much hesitation, and I will confess," says he "with some reluctance. I dread the imbecility and irresolution which too much prevail in the Nabob's councils, and must influence in some degree both the conduct of the resident and the minister and I consider the impending measure of too much consequence to be exposed to the risk of a disappointment." The resident had stated, that the Governor General had not by him been understood as intending the reformation, this year, of the Nabob's military establishment, or as expecting a present supply to the Company's treasury. "These," says the Governor General, in his letter of 3d January, "are fresh instances of what I have had too frequent cause to complain of, your total inattention to my instructions." He then repeats to the resident the passage in his instructions, in which he told him that "to enable the Nabob to discharge his debt to the Company in the shortest time possible was the chief object of his negotiation" that the jaghires should be appropriated to that purpose and that the reform of the troops should take place immediately after the settlement of the

sum to be allowed for the personal and domestic expenses of the Nabob¹ But these expressions are vague, and necessarily express no more than a very eager desire for dispatch, and the resident, for aught that appears in the words, might be well justified in the conclusion which the Governor-General thought proper to condemn.

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Mr. Middleton continued the exertions, and practised all the severities, which have already been described, for extorting the money which the Governor-General demanded. Yet he was formally accused by the Governor-General on the 23d of September, and pronounced guilty of remissness in his duty; when Mr. Bristow was appointed to fill the office from which, before the recent transactions, he had just been removed. In the mean time, that is, on the 6th of May preceding, Major Palmer had been sent to Oude, as the private agent of Mr. Hastings, and various new demands were urged upon the dependant Prince. The current annual claims varied from seventy to 130 lacs per annum, previous to the time of Middleton's appointment in 1781. The receipts of the resident, in discharge of these claims, varied from sixty to eighty lacs per annum, whence the balance of debt perpetually increased. At the time of concluding the treaty between the Nabob and Hastings at Chunar, that balance appeared to stand at forty-four lacs. The resident, instead of 80,00,000, which before was the maximum of the annual payments, realized 1,46,00,000. By demands, however, urged by Major Palmer to the amount of eighty-two lacs, and claims of unknown balances, which appeared on adjusting the books of the Presidency, the sums,

¹ Extracts from Papers, ut supra, p 52, 53, Tenth Report, ut supra, Appendix, No 6

BOOK 1 of which payment in that year was required of the
 CHAP. 8. Nabob exceeded considerably two crores and a half
 1782 that is, were at least equal to twice the annual
 revenue of the whole country¹ In vindicating him-
 self from the charge of remissness, in seizing the
 treasures of the Begums, Mr Middleton shows that
 not only had he been successful in regard to the ult-
 mate acquisition but that no unnecessary time had
 intervened, and that no instrument of coercion ex-
 cept the disgraceful one of violating the apartments
 and the persons of the Princesses had been left un-
 employed "The Nabob" he says, "was son to the
 Begum we were to proceed against A son against a
 mother must at least save appearances Circum-
 stances sufficiently marked the English as the prin-
 cipal movers in the business The favourable occasion
 was not missed to persuade the Nabob that we insti-
 gated him to dishonour his family for our benefit I
 had no assistance to expect from the Nabob's minis-
 ters, who could not openly move in the business In
 the East it is well known that no man, either by
 himself or his troops, can enter the walls of a Ze-
 nana—scarcely in the case of acting against an open
 enemy—much less an ally—a son against his own
 mother The outward walls, and the Begum's agents,
 were all that were liable to immediate attack They
 were dealt with—and successfully, as the event
 proved"²

The reply which is made by the Governor General
 to this defence is remarkable. As usual with the

¹ "The Nabob's net revenue" (says Mr Middleton, Defence to the
 Governor-General and Council Extracts from Papers in No. 1 vol II
 presented to the House of Commons 13th March, 1786 p. 9) "to my
 knowledge never exceeded a crore and a half but generally fell very
 short of that sum." The Governor-General raised the demands which were
 made by the Nabob's ministers, and other persons connected with him
 16th p. 3

Governor-General, it is mysterious and equivocal. But if any thing can be gathered from it. they are the two following things. that he did intend that Mr Middleton should have violated the Zenana, and that, not having acted in that manner, Mr. Middleton, his own chosen and confidential agent, might, both by himself and by others, be suspected of having betrayed his duty for bribes “ I was pointed,” says the Governor-General, “ in my orders to Mr Middleton, that he should not allow any negotiation or forbearance, when he had once employed the Company’s influence or power in asserting the Nabob’s claims on the Begums. My principal, if not sole inducement, for this order, which, with the instructions following it, was as absolute as it could be expressed, was—to prevent the imputation which is too frequently, with whatever colour of reason, cast on transactions of this nature, begun with demands of sums of money to an enormous amount, supported with a great military parade and denunciations of vengeance for a refusal, and all relenting into the acceptance of personal submission and promise of amendment In plainer words, I did not choose to be made the instrument of private rapacity, if any such design existed, nor to expose myself to the obloquy of it, if such a design did not exist.”¹ The Governor-General, however, no where said to Mr Middleton, you shall enter the Zenana itself, if respect for it prove any obstruction to your designs. And it would have been equally easy for him to have condemned the resident had he understood his orders in that invidious sense, as it was, according to the sense in which he did understand them. If the resident had been guilty of the violation, and a storm of

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¹ Governor-General’s Minute on Mr Middleton’s Defence, 21st October, 1783 Ibid p 14

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odium had arisen, the political conduct of the Governor-General lays sufficient ground for the presumption that he would not have scrupled to form for himself a screen out of his own ambiguity

Upon the intelligence received of the recall of Mr Bristow, and the appointment of Mr Middleton to the office of resident with the Vizir, previous to the memorable journey to Benares, the Court of Directors wrote to the Governor-General and Council, in the following terms — ‘ Equally extraordinary, and unwarrantable, have been your proceedings respecting Mr John Bristow. He was appointed resident at Oude in December, 1774. In December, 1776, he was recalled without the shadow of a charge being exhibited against him. By our letter of the 4th of July, 1777, we signified our disapprobation of the proceedings against Mr Bristow, and directed that he should be restored to his station, which direction we confirmed by our subsequent letter of the 23d of December, 1778. Mr Bristow arrived in India in February 1780, and in October of the same year, it was resolved by your Board, that Mr Bristow should return to Oude, but that his appointment should be limited solely to the conduct of political negotiations, Mr Middleton being at the same time nominated to settle pecuniary matters with the Vizir. On the 21st May 1781, upon receiving a letter from the Vizir expressing his desire that Mr Bristow should be removed from his court, he was again recalled. But without entering into the consideration of this matter, and in order to vindicate and uphold our own authority, we do hereby positively direct that Mr Bristow do forthwith proceed to Oude in the station of our resident there. You are likewise to observe, that we shall not suffer any other person to proceed to Oude, for the management of the finance, one

person being, in our opinion, sufficient to transact our business there as principal in both those departments." ¹

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Along with the reprobation of the recall, and command for the restoration of Mr. Bristow, a similar reprobation and command arrived from the Court of Directors respecting Mr. Fowke, as resident at Benares. The Governor-General, claiming a latitude in disobeying the orders of the Company, when those orders were "destructive to their own affairs," and alleging that the diminution of authority of the Governor-General in displaying to the eyes of India the defeat of his intentions even with respect to his own agents, was a cause of that destruction; insinuating also, beside these general, some particular objections, of which he spoke in the following mysterious terms, "My present objection to his appointment I dare not put upon record, the Members of the Board individually know it," opposed obedience to the Company's injunctions. The other Members, however, of the Board, consisting of Mr. Stables, Mr. Macpherson, Mr. Wheler, and Sir Eyre Coote, were of a different opinion; they declared that, where the commands of the Directors were precise and peremptory, they conceived themselves to have no latitude of choice; and Mr. Fowke received his appointment. The arrangement which the Governor-General had made for the management of the affairs of Benares had, as usual, disappointed his pecuniary expectations; and his dread of blame on the score of the transactions, to which his journey to that district had given birth, seems upon this head to have rendered his irascibility peculiarly keen. The storm of his indignation fell upon the person into whose

¹ Company's General Letter to Bengal, 28th August, 1782, Tenth Report, *ut supra*, App No. 8.

BOOK V hands the collection of the revenue had fallen, the
 CHAP 8 father of the newly made Rajah "I feel myself,"
 1782 said Hastings, "and may be allowed on such an occasion to acknowledge it, personally hurt at the ingratitude of this man, and at the discredit which his ill conduct has thrown upon my appointment of him. He has deceived me he has offended against the government which I then represented." The "personal hurts" of the Governor General seem but too frequently to have prompted the measures of his administration. If he was "personally hurt," he was ill qualified to assume the function of a judge. The Naib had failed in raising all the money which had been imposed as tribute upon the province. Had the tribute not been as it was, too large, dismissal from his office might appear to be a sufficient visitation for his offence. He was also deprived of his lands thrown into prison, and threatened with death, by the sole authority of Mr Hastings, who did not so much as communicate the measures to his Council till after they were passed while the Naib in vain represented that the tribute exceeded the means of the country that the ordinary receipts had been diminished by a drought and that, from a severe illness he had, during two months been incapable of attending to the painful and laborious duties of his office¹.

Among the articles in the treaty, formed by the Governor General with the Vizir at Chunar one related to the Nabob Fyzoolla Khan. This was the chief who survived the ruin of the Rohilla nation in 1774 and who having occupied a strong post on the hills concluded a treaty under the sanction and guarantee of the English government, by which he

¹ See the Minutes of Evidence upon the Denares Charge

received in jaghne the country of Rampore and some other districts of Rohilcund, estimated at a revenue of fifteen lacs of rupees “ From the month of October, 1774, to the latter end of February, 1778,” says the Governor-General, “ we had no reference made to us relative to Fyzoolla Khan, but on the 25th of February, 1778, we received a letter from Mr Middleton, in which he informed us, that reports had prevailed at Lucknow, that Fyzoolla Khan retained in his service a greater body of troops than were specified in the treaty of 1774, and that he had given protection and encouragement to Zabita Khan’s defeated army Mr Middleton, in the same letter, told us, that he did not pay much attention to these reports; but added—that the Nabob’s oppressive and unjust conduct, in various instances, might induce Fyzoolla Khan to form connexions, and to engage in schemes, incompatible with his duty and allegiance to the Vizir.”

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The treaty which had been formed between Fyzoolla Khan and the Vizir, in 1774, commonly known by the name of the treaty of Lal Dang, had been signed by the English Commander-in-Chief, in the name of his nation, as both a party to the transaction, and guarantee of the engagement. Distrusting the faith of the Nabob, and alarmed by the preceding imputations, which he justly regarded as proofs that the wish was formed to dispossess him of his country, Fyzoolla Khan endeavoured to assure himself more completely of the protection of the English, and, as if the signature of the commanding officer was not sufficiently binding, made earnest application to have the treaty ratified by the Governor-General and Council. “ Upon this subject,” says Mr Hastings, “ I had frequent applications from him. But the guarantee appeared to me unnecessary,

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clared upon record that 'The Nabob Fyzoola Khan had evaded the performance of his part of the treaty between the late Nabob Sujah ul Dowla and him, to which the Honourable Company were guarantees, and upon which he was lately summoned to furnish the stipulated number of troops, which he is obliged to furnish on the condition by which he holds the jaghure granted to him "

In defence of this procedure Mr Hastings states, that the Company was environed with difficulties the burden of the Mahratta war, the alarming progress of Hyder Ali in Carnatic the march of the Berar army into Cuttack, and the prospect of an armament from France That Sir Eyre Coote before departing for Madras, recommended application to Chyte Sing for a body of horse to cover the province of Bahar a battalion of sepoys 1000 of the Vizir's infantry and as many of Fyzoola Khan's troops as could be procured for the defence of Rohilcund That the British officer who commanded in that district complained by letter, of having with him only 500 of that chieftain's horse, though, " in his agreement with government he was obliged to keep up 5000 troops for assisting in the defence of Rohilcund " That in the hurry of business, he and the other Members of the Board were deceived by this letter into the belief that 5000 was the quota defined and that horse though not expressed in the treaty, was undoubtedly understood ¹

A deception of such a kind, in matters of such importance is not the most honourable sort of apology even where it holds ² The demand, however,

¹ Hastings's Defence on the Charge respecting Fyzoola Khan

² The Vizir knew the terms of the treaty better; and his letter was before Hastings, in which he admitted that the demand was a breach of

the oppression of Fyzoolla Khan had been founded : BOOK V.
That he had given encouragement to the desertion of CHAP 8
the ryots of the Vizir, and that he had a greater 1782.
number of troops than 5000. The numbers of the
Rohilla people in his country exceeded that amount ;
but Rohillas, in other than military employments,
were not by the treaty forbidden At any rate, the
Major adds, " it does not appear that their number
is formidable, or that Fyzoolla Khan could by any
means subsist such numbers as could cause any se-
rious alarm to the Vizir ; neither is there any ap-
pearance of their entertaining any views beyond the
quiet possession of the advantages which they at
present enjoy."

It was an object with the Governor-General and
Council, to convince the Court of Directors that the
bargain they had made with Fyzoolla Khan was a
good one, and the money obtained, an ample compen-
sation for the alienated right. They now, therefore,
distinctly understood and affirmed, that Fyzoolla
Khan was bound not to exceed the number of 5000
troops, in horse and foot, and to send to the service of
the Vizir only two or three thousand *men* ; which,
to the Vizir they said, was " a precarious and un-
serviceable right ;" that " the rumours which had
been spread of the hostile designs of Fyzoolla Khan,
against the Vizir, were totally groundless, and if he
had been inclined, that he had not the means to make
himself formidable."¹ These expressions are to be
contrasted with those made use of, on the 1st of

¹ Secret Letter from Bengal, dated 5th April, 1783, Extracts from
Papers, (in No 2, vol 1) presented to the House of Commons, ut supra,
p 44 In the Secret Letter from Bengal, dated 10th March, 1783, the Go-
vernor-General and Council also say, " This " (the fifteen lacs) " is a valuable
compensation for expunging an article of a treaty, which was of such a
tenor, and so loosely worded, that the Vizir could never have derived
any real advantage from it The money will of course be received by
the Company, in part liquidation of the Vizir's debt "

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April, 1781, by the assistant resident, Johnson who was sent for the purpose of making the protest, in case of the refusal of 3000 horse. On the hunt for appearances of guilt, he found them at every step, and the very day after his arrival, reported, that "the Rohilla soldiers, in the district of Rampore alone, were not less than twenty thousand" With great caution should men in power receive from their agents reports by which their known wishes are flattered because the proportion of observers is lamentably small, who, in such cases, will not deceive themselves, and without any formed intention of mendacity, yet from the very lust of pleasing the men on whose favour or disfavour their prosperity or adversity depends, give them reports which will deceive them. It is necessary, in justice to Mr Hastings to add, that with respect to the permission, granted by the treaty of Chunar to resume the jaghire of Tyzoolla Khan he afterwards allowed that his conduct was the proper object of blame¹

It appears that the Vizir relented at a period rather early in the persecution of the Begums. Before the recall of Mr Middleton, he wrote to the Governor General several letters, on the particular subject of the resumption of the estates and the confiscation of the treasures of the Princesses, and appears to have severely complained of the opprobrious part which he was compelled to perform. It was one of the rules of the Governor-General to suppress as much as possible of any correspondence, of which the appearance would give him pain. These letters accordingly were not entered in the Company's records. But what he wrote to the resident

¹ For the passage relating to Tyzoolla see Parliamentary Papers, vol. x. p. 10. The Twenty Second Article of Charge presented by Mr Barke the Answer of Mr Hastings and the Tenth Report of the Select Committee.

on the subject of them remains, and shows, that in his breast they excited the highest resentment. He chose to consider them as not the letters of the Vîzir, whom he represents as too void of character, to write any thing of himself. He called them the letters of the minister, "who," says he, "by an abuse of his influence over the Nabob—he being, as he ever must be, in the hands of some person, a mere cipher in his hands—dared to make him assume a very unbecoming tone of refusal, reproach, and resentment, in opposition to measures recommended by me, and even to acts done by my authority "

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1782.

He persisted in ascribing guilt to the Begums, and said, "the severities which have been exercised toward them, were most justly merited, by the advantage which they took of the troubles in which I was personally involved last year, to create a rebellion in the Nabob's government,¹ and to complete the ruin which they thought was impending on ours." "If it is the Nabob's desire to forget and forgive their past offences, I have no objection to his allowing them, in pension, the *nominal* amount of their jaghires, but if he shall ever offer to restore their jaghires to them, or to give them any property in land, after the warning which they have given him, by the dangerous abuse which they formerly made of his indulgence, you must remonstrate, in the

¹ When it suited the Governor-General he could assign the disturbances in Oude to very different causes. In a Minute [Bengal Secret Consultations, 10th Dec 1783, Extracts from Papers (in No. 2, vol. iv) presented to the House of Commons, upon the 18th day of March, 1786, p. 7], he says, "The Zemindars in the provinces of Oude, and in the other dominions of the Nabob, Asoph ul Dowlah, have ever been either in a state of actual rebellion, or bordering upon it, even in the time of the Nabob Sujah ul Dowlah; they could only be restrained by a military force superior to that which they could oppose to it." The instigations, surely, of the Begums was not then wanted to account for the little ferment which took place in Oude, upon the occasion of the explosion in Benâres.

BOOK V animosities, and a very slight occasion would be
 CHAP. B. sufficient to effect it. They will instantly take fire
 1782 on such a declaration, proclaim the judgment of the
 Court in their favour, demand a reparation of the acts,
 which they will construe wrongs, with such a sen-
 tence warranting that construction and either accept
 the invitation (to reside under the protection of the
 Company), to the proclaimed scandal of the Nabob
 Vizir which will not add to the credit of our govern-
 ment, or remain in his dominions, but not under his
 authority, to add to his vexations and the disorders
 of the country, by continual intrigues and seditions.
 Enough already exists to affect his peace and the
 quiet of his people. If we cannot heal, let us not in-
 flame the wounds which have been inflicted. He
 added, "If the Begums think themselves aggrieved
 to such a degree as to justify them in an appeal to a
 foreign jurisdiction to appeal to it against a man
 standing in the relation of son and grandson to them
 to appeal to the justice of those who have been the
 abettors, and instruments of their imputed wrongs
 let us at least permit them to be the judges of their
 own feelings, and prefer their complaints, before we
 offer to redress them. They will not need to be
 prompted. I hope I shall not depart from the sim-
 plicity of official language in saying the Majesty of
 Justice ought to be approached with solicitation, not
 descend to provoke or invite it, much less to debase
 itself by the suggestion of wrongs, and the promise of
 redress, with the denunciation of punishments, before
 trial and even before accusation." If nothing
 remained to stain the reputation of Mr Hastings, but
 the principles avowed in this singular pleading
 his character among the friends of justice would
 be sufficiently determined.

Although the commands of the Court of Direc

tors. respecting reparation to the Begums, were strengthened by a formal application from the Vizir, "requesting" (such are the words of Mr. Hastings, introducing the subject to the Board) "that he might be permitted to restore, to his grandmother and other relations, the jaghires which were taken from them the beginning of last year," the authority of the Governor-General was sufficient to prevent, at the present time, the adoption of any measure in their favour.¹

BOOK V.
CHAP. 8
1782.

Notwithstanding the severities practised upon the family of the Vizir, and the usurpation of his authority by Mr. Middleton, who even issued warrants upon his own authority for the resumption of the jaghires, Mr. Middleton was dismissed for want of rigour in pressing the demands of the English government, and Mr. Bristow was appointed, under the implied as well as declared expectation, that he would supply what had been remiss in the conduct of his predecessor. Nor was this all. He was furnished with a set of instructions, from the hand of the Governor-General, bearing date the 23d of October, 1782. In these instructions, in which he was particularly referred to the injunctions which Mr. Middleton had previously received, four objects were principally pointed out to his attention; 1st, "To limit, and separate the personal disbursements of the Vizir from the public accounts;" 2dly, To reform the military establishment, reducing the troops to one uniform corps, and to the form, if possible, most useful to the Company, that of cavalry, controlling even the appointment of officers, nay, "peremptorily opposing it," as often as the Vizir should persist in a choice

¹ See the Fourth article of Charge, and Mr. Hastings's Answer, with the Papers printed by the House of Commons in 1786.

BOOK V which to the Resident should appear objectionable,
 CHAP. 8. 3dly, To control, or rather to exercise, the power of
 1782 appointing Aumils and collectors in the revenue department, it being reserved to the Nabob's ministers to appoint them, with the concurrence of the Resident
 4thly, To endeavour to reform the disgraceful state of the administration of justice

The grand object of the English government was, to obtain from the Nabob the payment of the sums for which they had induced him to become bound. But such were the disorders of his administration, and such the effects of those disorders upon the population and produce of the country, that without great reforms this payment seemed impracticable, and without the virtual assumption of the powers of government into better hands than those of the Vizir and his agents, all reform was an object of despair. The government, accordingly, had been converted into a government of Englishmen, in fact conducted by the instrumentality of the Vizir and his agents, and under the forms of their authority. Of this the points of instruction to Mr Middleton, described above, are more than adequate proof.

In the administration of the Nabob, the principal organ went by the name of the Minister. The person raised to this office by the influence of the Governor General was Hyder Beg Khan. The character and situation of this person, as described by Mr Hastings himself, require to be noticed. In his instructions to Mr Bristow, in October 1782, he says "Immediately on your arrival, sound the disposition of Hyder Beg Khan. His conduct has for some time past been highly reproachable. Till within these three months he possessed without control both the unparticipated and entire administration, with all the powers annexed to that government.

the Nabob being, as he ever must be in the hands of some person, a mere cypher in his." To so great a degree did Mr. Hastings represent the Vizir as being the mere tool of the minister, that he treated the very letters of the Vizir, as literally the letters of the minister; and spoke of him and of them in the following terms: "He has dared to use both the Nabob's name and even his seal affixed to letters, either dictated to the Nabob, or written from him without his knowledge." He then proceeded to state the necessity, that this man, in whose hands the Vizir was a tool, should be merely a tool in the hands of the English resident; in other words, that the English resident should wield substantially the powers of government. "I cannot omit," said he, "to repeat the sentiments which I expressed in the verbal instructions which I gave you at your departure, that there can be no medium in the relation between the resident and the minister, but either the resident must be the slave and vassal of the minister, or the minister at the absolute devotion of the resident." He then describes him as the mere creature of the English government. "He exists," said the Governor-General, "by his dependance on the influence of our government, and if he will submit to hold his office on such conditions as I require, I would prefer him to any other. At the same time, it will be necessary to declare to him, in the plainest terms, the footing and conditions on which he shall be permitted to retain his place, with the alternative of dismissal, and a scrutiny into his past conduct, if he refuses. These conditions are described as follows, "In the first place, I will not receive from the Nabob, as his, letters dictated by the spirit of opposition—but shall consider every such attempt as the minister's, and as an insult on our government. In the second place, I

BOOK V
CHAPTER 8

1782.

shall expect that nothing is done, in his official character, but with your knowledge and participation at the same time the first share of the responsibility will rest with you the other conditions will follow distinctly in their places, because I consider you as responsible for them." The responsibility implies the power therefore the power was to exist in the resident and any opposition, so much as by letter, that is, by complaint, was to be considered as an insult on the English government.

To the Minister, Hyder Beg Mr Hastings himself wrote in the following terms. "In answer to my letter Rajah Gobind Ram received a perwanna from the Nawab, containing complaints and reproaches at my interference in his affairs, and his unwillingness to receive any agent from me. These sentiments and these expressions, are neither consonant to the benevolence of the Nawab's temper nor to the friendship which, I know, he possesses for me—but were dictated for other purposes, known to yourself only. They are your sentiments, and your expressions and not the Nawab's. But my astonishment at the other parts of the perwanna is not to be expressed for it declares all I had said respecting the disordered state of the Nawab's government to be entirely false. Either these affirmations were dictated by the Nawab or written without his knowledge. If they were dictated by the Nawab, they were such as would not admit of a reply from me in an immediate address to himself because I must have told him that he was deceived, and kept in utter ignorance of his own affairs, at the same time that the whole world except himself saw the condition they were in and the destruction that was hanging over him. If the letter was written in the Nawab's name but without his knowledge what must have

been your opinion of me, that could induce you to attempt so gross a deception upon my understanding? In either case, your conduct is without excuse. Its object I plainly see. By the authority of the Nawab Vizir, you mean your own. When you make the Nawab to complain of the usurpation upon that authority, and to assert his right to the uncontrolled exercise of it, the plain interpretation of this is, that you yourself lay claim to the usurpation of his authority, and to the uncontrolled exercise of it. And how has it been exercised? I shall not repeat particulars, having already written to you fully upon them—and the subject is unpleasant. But I must tell you that such is their notoriety, that the report of them is echoed to me from all parts of Hindostan and Deccan, and the most alarming apprehensions are expressed by my agents, employed in the remote affairs of this government, lest they should attract the hostilities of other powers”¹—Such at the end of October, 1782, was the opinion declared by Mr Hastings of the condition, in which the government of Oude was kept, in the hands of the Nabob, and his Minister

In pointing out to Mr. Bristow the establishment of new offices, for the business of the revenues, for reform in the administration of justice, for the appointment of new administrators, and the coercion of rebellious Zemindars, as part of the objects, on the accomplishment of which, for the reform in the disorders of the Nabob's government, the desires of the Governor-General were fixed, absolute performance was exacted at the hands of the resident, without any

¹ Governor-General to Hyder Beg Khan, dated 20th Oct. 1782
Minutes, ut supra, p 797

BOOK V other limitation to the exercise of his power, than
 CHAP. 8. what the rules of prudence, and "every ostensible
 1782 and external mark of respect to the Nabob," might
 recommend

When the resident had as yet been but a few months in office, a letter, as written by the Vizir, dated the 28th of March, 1783, arrived, complaining, in the most bitter terms, of the assumption of his authority by the resident. Instead of treating it according to the terms of his paper of instructions, as the letter "not of the Vizir, but of the Minister, and as an insult on the English government," the Governor General received it with profound respect and on the 21st of April presented it, with the documents by which it was attended to the Council, as a matter deserving their most serious regard. From the delicacy of the relation in which on account of former oppositions, he stood to Mr Bristow, he professed a desire to be guided in his sentiments, on this occasion, by the sentiments of the Board. On the 19th of May, consultation upon the subject took place, when the reserve of the Governor General disappeared. He declared, that "the facts, as stated in the Nabob's complaints, were usurpations of the authority and even of the sovereignty of the Nabob Vizir." But, what was more singular he declared that his instructions to Mr Bristow did not authorize any usurpation of that authority or sovereignty. And he proposed, even before Mr Bristow should be heard in his defence that certain proceedings of his, the objects of the Vizir's complaint should be immediately revoked. The Council however rejected this proposition and only so far concurred with the Governor General as to send to Mr Bristow a copy of the papers and require his defence. The tone of the Governor Ge

neral, upon this, rose very high “The Governor-
General,” such were the terms of his minute, BOOK V
CHAP. 8
“desires it to be recorded, that he protests against 1782.
the resolution of the Board, and will assign his reasons
at large hereafter” What follows is still more re-
markable. As if he had penned the instructions by
his sole authority, and as if upon that authority alone
their validity rested, he declared them no longer of
any force. The Minute goes on; “He (the Gover-
nor-General) also desires, that as the instructions
given by him to Mr. Bristow have no longer any force,
and as he solemnly disavows their authority, under
any construction, for Mr. Bristow to exercise any
controul over the Nabob Vizir, or participation in the
sovereignty of the Vizir’s dominions, the Board will
be pleased to cause such new instructions to be drawn
out, and transmitted to Mr. Bristow, as they shall
think proper.” If the whole extent is admitted of the
exaggerating language of Mr Hastings and the
Nabob, which nevertheless so far exceeded the facts,
the whole of his paper of instructions not only autho-
rized but commanded a complete controul over the
Nabob Vizir, and not a participation only in the
sovereignty, but the substantial exercise of the
whole¹

On the 24th of July, Mr Hastings complained to
the Board, that Mr Bristow had been guilty of dis-
respect to the Board, in not transmitting his defence;
and on this occasion could not forbear alluding to
an offence, which he appears never to have sur-

¹ It is memorable, that there is actually in his paper of Instructions,
the following passage “From the nature of our connexion with the
government of Oude—from the Nabob’s incapacity—and the necessity
which will for ever exist, (while we have the claim of a subsidy upon the
resources of his country,) of exercising an influence, and frequently sub-
stituting it entirely in the place of an avowed and constitutional autho-
rity in the administration of his government,” &c

BOOK V

CHAP. 8

1782

proceeded, he said from Hyder Beg Khan. He added "It may not, however, be amiss to talk with the minister on this subject to let him know, that it is well understood to be a demand for substituting his authority in the place of the Company's and to invest him with the sovereignty of the Vizir's dominions." These words are pregnant with meaning in the first place they declare, that the authority, exercised by the Company embraced the sovereignty of the Vizir's dominions though, for the sake of criminating Mr Bristow, he could erect every interference in that sovereignty into an act of guilt and secondly they declare, that to withdraw the English residency from Oude, was to deliver over the Vizir and his sovereignty into the hands of Hyder Beg whose character he painted in the blackest colours. Yet, at the very moment, when he was proposing to offer up this sacrifice of the Vizir and his sovereignty to the cupidity and tyranny of Hyder Beg Khan he was not restrained from the glaring hypocrisy of expressing a deep concern for the indignity which he pretended the Vizir had sustained by the part which the English resident had acted, in endeavouring to reform his government, and check the malversations of the minister by whom he was oppressed.

At the very time, however of penning his instructions Mr Hastings stated that he had an inclination to the present measure. "I confess" says he "that I did myself give encouragement to this proposition knowing at the same time the quarter from which it came, I mean from Hyder Beg Khan but willing to exonerate this government from the trouble and responsibility, and the Company from the disgrace, of whatever might attend the administration of the Nabob's government. I thought too that it presented a sure prospect of the regular payment of the

current demands, by the penalty, which would attend the failure, in the resumption of the former system of assignments, and in the personal claims, which it would lay on the minister. But his misconduct has since manifested itself in so many particular instances —besides the universal disorder of the country, and this is so alarming in its effects to our government, that I shall hesitate, until I have the surest and most satisfactory grounds, to recommend an acquiescence in such a measure” What change there was in the grounds, except for the worse, in the few months between the time when this was written, and the date of his motion, does not appear. Another point is also remarkable In the conversation which the Governor-General recommended to the resident to hold with the minister on this subject, he desired him to ask, provided the sovereignty of the Vizir’s dominions according to the terms of his proposition were transferred to him, “ Whether, in the event of his involving our government in a new scene of hostilities, by those which his mal-administration may produce, whether internally, or by invasion in that country, he shall think himself in justice exempt from the personal vengeance which we may be disposed to exact from him ”

In the first letter of complaint, which was received from the Vizir against Mr Bristow, the proposition for the removal of the residency, and the appointment of Hyder Beg Khan to the entire management of the country, was renewed; and Mr Stables, in his Minute in Council on the 19th of May, 1783, declares, that this was the “ great object which the minister, and” (the cyphei in his hands) “ his master, had in view, in preferring their complaints against the resident.” Mr. Stables added, “ In jus-

tice and candour to the Nawab Vizir and his minister, I think the Board ought explicitly to declare, that they cannot, on any account, comply with the Vizir's request, to grant him discretionary powers over his country, while such heavy debts remain due to the Company" In the debate, too, in Council, of the 31st of July, after the proposition was formally moved by the Governor General, it met with the opposition of all the other Members of the Board. The tone of the Governor General, however, after the opposition had lasted for a little time grew so high, as to intimidate his colleagues threatening them with the inconveniences of a divided administration and the loss of his authority in the difficulties which attended the government of Oude. They were, therefore induced to offer on the 31st of December to acquiesce in his proposal, provided he would take the whole responsibility of the measure upon himself. This, however, was a load which the Governor-General declined. It was afterwards explained that responsibility with his fortune, or a pecuniary responsibility, was not understood. Responsibility, thus limited, which in fact, was no responsibility at all, leaving nothing to be affected but his reputation which it was impossible to exempt he had no objection to undergo. On the 31st of December it was determined that the residency should be withdrawn on receiving the security of creditable bankers for the balance which the Nabob owed to the Company, and for the accruing demands of the current year.

Many grounds of suspicion are laid in this transaction. From one remarkable fact, they derive the greatest corroboration. There is great reason to believe that the letters which were written in the name of the Nabob, complaining of Bristow, were

in fact suborned by the Governor-General, written in consequence of instructions, that is, commands, secretly conveyed.

BOOK V.
CHAP 8.

1783.

When Mr. Bristow was removed, just before the first journey of the Governor-General towards Oude, the removal was in like manner preceded by violent complaints from the Nabob. These complaints were suborned. Mr. Hastings himself, when proposing the return of Mr Bristow in 1782, informs the Nabob's Vakeel, that "His Highness," meaning the Nabob, "had been well pleased with Mr. Bristow, and that he knew what the Nabob had written formerly was at the instigation of Mr. Middleton."¹ The instigation of Mr Middleton was the instigation of Mr. Hastings.

Besides, it is in evidence, that this was not a singular case. It was the ordinary mode of procedure, established between Mr Hastings and the Nabob. There was, it appears, a regular concert, that the Nabob should never write a public letter respecting the residents or their proceedings, till he had first learned privately what Mr. Hastings wished that he should express, and that he then wrote accordingly. This appeared most fully, after the departure of Mr. Hastings, when the Nabob proposed to carry on the same practice with his successor. In a letter, received on the 21st of April, 1785, "I desire," says the Vizir, "nothing but your satisfaction: And hope, that such orders as relate to the friendship between the Company and me, and as may be your pleasure, may be written in your *private* letters to me through Major Palmer, in your letters to the Major, that he may in obedience to your orders properly explain

¹ Extract of an Arzee, written (27th August, 1782,) from Rajah Gobind Ram to the Vizir, by the Governor-General's directions Minutes of Evidence, ut supra, p 795

BOOK V them to me, and whatever may be settled he may
CHAP. 8. first, in secret, inform you of it, and afterwards I
 1783 may write to you, having learnt your pleasure—in
 this way, the secrets will be known to your mind
 alone, and the advice upon all the concerns will be
 given in a proper manner” The same thing is still
 more clearly expressed by the minister Hyder Beg
 Khan on the same occasion “ I hope that such
 orders and commands as relate to the friendship be-
 tween his Highness and the Company's govern-
 ments, and to your will, may be sent through Major
 Palmer in your own *private* letters or in your letters
 to the Major who is appointed from you at the pre-
 sence of his Highness, that, in obedience to your
 orders he may properly explain your commands, and
 whatever affair may be settled, he may first secretly
 inform you of it, and afterward his Highness may,
 conformably thereto, write an answer and I also
 may represent it By this system, your pleasure will
 always be fully made known to his Highness, and
 his Highness and me will execute whatever may be
 your orders, without deviating a hair's breadth” When
 it was the intention of Mr Hastings that Mr Bris-
 tow who had been withdrawn upon complaints,
 which without any dislike to Mr Bristow the Na-
 bob through Middleton had been instructed to prefer,
 that obedient sovereign was instructed to make an
 application of a very different description “ The
 Governor” said the Nabob's Vakeel in the Arzee al-
 ready quoted “ directed me to forward to the pre-
 sence that it was his wish that your Highness would
 write a letter to him and as from yourself, request
 of him that Mr Pristow may be appointed to Luck-
 now” In his answer to the Vakeel the Nabob cu-
 riously was A to the wishes of Mr Hastings,
 that I should write for him to send Mr John Bris-

tow. it would have been proper, and necessary, for you, privately to have understood what were Mr. Hastings' real intentions. Whether the choice of sending Mr. John Bristow was his own desire. Or, whether it was in compliance with Mr Macpherson's—that I might then have written conformably thereto.—Writings are now sent to you for both cases. Having privately understood the wishes of Mr. Hastings deliver which ever of the writings he shall order you¹—After all this, and after the threats of Mr Hastings against all letters from the Nabob which he might dislike, the meaning of the letters complaining of Bristow, cannot be misunderstood. It was a shrewd surmise of the Nabob, respecting Macpherson who had become recently a Member of the Supreme Council, and whose support Mr Hastings might require. The accusations, which the Governor-General afterwards aimed at Mr. Macpherson for supporting Bristow, fall in, at least, with the conjecture.

BOOK V.
 CHAP 8
 1783.

The cause which prompted so violent a desire for his recall is involved in comparative mystery. We can trace a kind of analogy. As the preceding removal of Mr. Bristow was immediately followed by the first visit of the Governor-General to the Nabob; so the present removal was immediately followed by another. This, undoubtedly, proves nothing against Mr. Hastings. But if there be any other grounds for suspicion, this tends to confirm them. If these visits were intended for any unjustifiable transactions between the Governor and Nabob, the removal of a witness, whose compliance could not be depended upon, was just the proceeding which in such circumstances every man would adopt.

¹ Minutes of Evidence, ut supra, p 798, 799, 796

BOOK V
 CHAP. 8.

1784

Before the removal of the residency was finally settled, the Governor-General had represented, that a great demand existed for his presence in Oude, to aid in settling the disorders of the country, and in making such arrangements as would enable the Vizir to fulfil his engagements. His journey was opposed by the other Members of the Board. Upon it, however, for some reason or another, the Governor General had set his heart. A letter was procured from Major Palmer, representing the state of the country as alarming and urgently requiring the immediate presence of Mr Hastings with other letters from the Vizir, and his minister earnestly requesting to see the Governor General at Lucknow. The consent of a majority of the Council was at last obtained and Mr Hastings was authorized to proceed to Lucknow, vested with all the powers of the Board to regulate and determine the affairs both internal and external of the state and for that purpose to command even the military resources of the English government without control. The proposition of the Governor General was introduced on the 20th of January 1784 the consultation was closed, and the authority of the Board conferred on the 16th of February and on the following day, the 17th, the journey of the Governor General began.

In proceeding to Lucknow, he passed through the province of Benares, which in the time of Cheyte Sing and his father, manifested so great a degree of prosperity and, there witnessed the effects of his late proceedings. The first deputy whom he had appointed for the Rajah was dismissed for the offence of not making up his payments to the exacted amount. The second as might well be expected, acted upon the "avowed principle, that the sum fixed for the revenue must be collected." The consequence

was, that the population were plunged into misery ; and desolation pervaded the country. “ From the confines of Buxar,” says Mr. Hastings, “ to Benares, I was followed and fatigued by the clamours of the discontented inhabitants. The distresses which were produced by the long-continued drouht unavoidably tended to heighten the general discontent. Yet, I have reason to fear, that the cause existed principally, in a defective, if not a corrupt and oppressive administration.” “ I am sorry to add, that from Buxar to the opposite boundary, I have seen nothing but traces of complete devastation in every village.” “ I cannot help remarking, that except the city of Benares, the province is in effect without a government. The administration of the province is misconducted, and the people oppressed, trade discouraged, and the revenue in danger of a rapid decline from the violent appropriation of its means ”¹ It is remarkable, how few of the political arrangements of Mr. Hastings produced the effects which he expected from them ; and how much his administration consisted in a perpetual change of ill-concerted measures. The arrangements for the government of Benares were his own ; and for the effects of them he was responsible, but he enjoyed a happy faculty of laying the blame at any door rather than his own. He ascribed the existing evils to the deputy solely ; and with the approbation of the Council removed him. The predecessor of that deputy, who transgressed in nothing but the extent of his exactions, met with a severer fate. To procure some redress of his grievances, he had even repaired in person to Calcutta, where, so far from receiving any attention, he received two peremptory orders from the Supreme Council to quit the city,

BOOK V.
CHAP. 8

1784.

¹ Letter from the Governor-General to the Council Board, dated Lucknow, 2d April, 1784

BOOK V and return Nor was this all Upon the arrival of
 CHAP. 8. Mr Hastings at Benares, he ordered him into prison
 1784 again after which his vexations and hardships soon
 put a period to his life. His poverty was real, and
 he died insolvent.

The Governor General arrived at Lucknow on the 27th of March He had some success in obtaining money from the minister into whose hands the government was transferred In order still more to disburthen the revenues of the Vizir he agreed to withdraw the English detachment commanded by Colonel Sir John Cummings, which still was stationed on the frontiers of Oude at the Nabob's expense and agreed upon this consideration "That the Company would gain nothing by its continuance, since the Nabob had not the means of defraying the expense and whether it remains," he added, 'on account of the Company, or be continued to swell the Nabob's with an accumulating debt which he cannot pay its effects on the Company's funds will prove the same while it holds out a deception to the public" Mr Hastings had eluded inquiry into the truth of the allegations on which the confiscation of the estates and treasures of the Begums, and others had been ordered and the commands of the Court of Directors had till this time remained without effect The time however, was now come when at least a partial obedience was deemed expedient and Mr Hastings reported to the Board that the jaghires of the Begums, and of the Nabob Salar Jung the uncle of the Vizir, had been "restored, conformably to the Company's orders and more so to the inclinations of the Nabob Vizir who went to Fyzabad for the express purpose of making a respectful tender of them in person to the Begums." The restoration, however, tardy as it was, fell greatly short of completeness, for Mr Hast

ings reported that the personages, in question, had made a *voluntary* concession of a *large* portion of their respective shares" The Governor-General was now so far from expressing any apprehension of disorder from the possession of jaghires by the Princesses and other principal persons of the Nabob's family, that he declared his expectation of their influence in supporting the arrangements which had taken place with the Vizir ¹

BOOK V.
CHAP 8
1785.

The Governor-General departed from Lucknow on the 27th of August. He arrived at the Presidency on the 4th of November, resumed his seat at the Council Board on the 11th, and on the 22d reminded the Directors of his request, addressed to them on the 20th of March in the year 1783, to nominate his successor. He now began to prepare for his departure. On the 8th of February, 1785, he resigned his office, and embarked for England ²

In India, the true test of the government, as affecting the interest of the English nation, is found in its financial results. In 1772, when the administration of Mr Hastings began, the net revenues of Bengal, Bahar, and Orissa, which, being the principal branch of receipt, will suffice for that general conception which is all I can attempt to convey, were 2,373,650l ; the civil and military charges of the government of Bengal were 1,705,279l , difference 668,371l The whole of the bond and other debts in India were

¹ Letters from the Governor-General to the Council Board, dated Benares, 20th September, 1784

² For the preceding train of measures, the reader is referred to the Papers, relating to the province of Oude, presented to the House of Commons in the year 1786, to the Third, Fourth, Fifth, Sixteenth, and Twenty-second Articles of Charge, presented by Burke, with the Answers of Mr Hastings, and the Appendix of Documents printed along with them, also to the Minutes of Evidence on the Trial, in which the Documents were printed again.

BOOK V 1,850,166*l* and the debt in England, including
 CHAP. II. capital-stock, and the sums due to the annuitants, was
 1785 12 850,166*l* In 1785, the revenues of Bengal
 Bahar, and Orissa, including the new revenue of
 Benares, and the subsidies from Oude, amounted to
 5,315,197*l.*, the charges, deducting Clives jaghire,
 30,000*l* per annum, which ceased in 1784, one half
 of the allowance to the Nabob of Bengal, and the
 tribute to the Mogul, amounted to 4,312,519*l.*, the
 difference 1,002,678*l* which is an improvement upon
 that of 1772 of 334,307*l.* but, on the other hand
 the debt in 1786 when the whole of the arrears of
 Mr Hastings administration were brought to account,
 was raised to 15 443,349*l* in England and in
 India, including China, to 10,464,955*l.* a sum of
 25,908,334*l* to which should be joined 1,240 000*l*
 the sum which was yielded by the subscription at 15*l*
 per cent of 800,000*l* added this year to the capital-
 stock. The administration of Mr Hastings there-
 fore added about twelve and a half millions to the
 debt of the East India Company and the interest at
 five per cent of this additional debt, is more than the
 amount of the additional revenue ¹

Nor is this the only unhappy result in the financial
 administration of Mr Hastings The net territorial
 revenues of Bengal Bahar and Orissa, instead of in-
 creasing had actually declined In the year ending
 the 1st of May 1772 they amounted to the sum of
 2,126,766*l* and in the year ending on the same
 day in 1785, to that of 2,072, 963*l*² In Lord Corn

¹ For these statements see the accounts exhibited in the Fourth,
 Fifth and Sixth Reports of the Committee of Secrecy in 1781, and the
 account presented to parliament for the several years See also
 Bruce *Mem. for British India*, p. 323

² An account presented to the House of Commons March 30th, 1786

wallis's celebrated revenue letter, dated 16th November, 1786, it is allowed, that the state of the accounts exhibits a debt in India of 8,91,25,518 rupees, and assets valued at 5,81,24,567, with a balance against the Company of 3,10,00,950 But Lord Cornwallis observes, that the account of assets is so much made up for the sake of show, that is, delusion, that it presents a result widely distant from the truth; and that the balance between the debts, and such assets as are applicable to their extinction, would not, in his

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See also the following statement of the Bengal Revenues, taken from the printed Minutes of Evidence on Mr Hastings' Trial, p 1275

Years.	Current net Collections.	Balances collected	Total.	Bengal charges Collection
1776—7	187,15,865	13,94,769	201,10,634	49,05,739
1777—8	170,49,710	20,78,451	191,28,161	53,80,818
1778—9	173,95,871	19,19,747	193,15,618	56,45,947
1779—80	180,21,226	15,66,322	195,87,548	56,80,637
Rupees	711,82,672	69,59,259	781,41,961	216,13,141
1781—2	189,55,004	6,23,989	195,78,993	66,55,869
1782—3	188,24,855	6,50,462	194,75,317	59,63,661
1783—4	181,93,492	4,49,916	186,43,408	71,29,094
1784—5	176,68,646	8,91,702	185,60,348	73,73,738
Rupees	73,641,997	26,16,069	762,58,066	271,22,362
Less in last four years			18,83,895	55,09,221
Increase in last four years				
1777—1780	Total		580,31,327	
1781—1784			576,97,718	
Less in last three years			3,33,609	
1774—5	195,69,610	17,40,399	213,10,009	
1775—6	195,25,825	12,18,176	207,44,001	
1776—7	187,15,865	13,94,769	201,10,634	
578,11,300			43,53,344	621,64,644
Total in 1781—1784.			576,97,718	
Less in last three years.			44,66,927	

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opinion, fall short of 750,00,000 rupees "Of this debt something more than a crore of rupees was subscribed for transference to England, leaving a debt of about $6\frac{1}{2}$ crore, "nearly the whole of which," he says, 'is running at an average rate of interest of $8\frac{3}{4}$ per cent per annum" "For the discharge of this," his Lordship adds, "your Bengal government alone can hereafter furnish a fund which (under the limitations in the estimate), is stated at a gross sum of about 46,00,000 current rupees per annum And the ordinary expenses of your different settlements, allowing for the provision of an European investment, at present exceed their resources"¹ That is to say The revenue of the Indian government at the close of the administration of Mr Hastings, was not equal to its ordinary expense

The incidents which had occurred under the Presidency of Madras, from the period of terminating

Another View of the Collections under the Bengal Government.

Years.	Current Collections.	Collected account Balances.	Gross Collections.	Charges Collection.	Amos & Receipts into the Treasury
1772-3	2,37,20,763	18,18,226	2,56,17,059	41,00,970	2,14,61,010
1773-4	2,35,77,529	18,05,578	2,53,83,05	43,02,506	2,10,40,460
1774-5	2,37,20,882	17,40,399	2,54,61,282	41,51,272	2,13,10,009
1775-6	2,40,53,206	18,18,176	2,58,71,382	43,07,471	2,15,44,001
1776-7	2,36,21,601	13,11,709	2,50,16,313	49,03,739	2,01,10,434
1777-8	2,24,50,527	20,70,450	2,45,04,078	53,80,818	1,91,23,160
1778-9	2,30,41,816	19,10,717	2,49,52,533	56,45,916	1,93,15,618
1779-80	2,37,01,603	13,67,321	2,47,68,924	60,58,077	1,87,10,847
1780-81	2,46,52,691	14,21,512	2,60,74,203	69,51,010	1,91,23,193
1781-2	2,46,10,475	6,23,072	2,52,33,547	60,53,669	1,91,79,876
1782-3	2,47,44,515	6,50,461	2,53,94,976	60,61,604	1,93,33,372
1783-4	2,53,22,583	4,49,915	2,57,72,498	71,49,075	1,86,23,423

M. St. John Minute on the Revenue of Bengal, Bihar and Orissa; Minutes of printed evidence of Hastings Trial, Appendix Art. vi. No. 137 p. 204

¹ Extract from Revenue Letter printed by order of the House of Commons, 1787

the war with Tippoo. till the time when Mr. Hastings
surrendered his office, remain to be produced

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1782.

The situation of the Nabob of Arcot, as it had long been, so it continued to be, a source of uneasiness and of difficulty to the English rulers in the southern Presidency. The wretched government, which that Nabob maintained, and which his want of talents, his want of virtue, and the disadvantages of his situation, disqualified him for improving, not only sunk the people into the deepest wretchedness, but cut off the resources required for the defence of the country. The impossibility, which the Presidents had experienced, of obtaining, through his hands, the means which were necessary to provide for the security of the province, or their connivance, from unworthy motives, at his unwillingness to provide them, had laid open the country to all the disasters, to which the weak and unprotected state in which it was found by Hyder Ali exposed it. When the war began, the strongest necessity existed for rendering the resources of the country available to its defence. Supplies, in the highest degree defective, had been obtained from the Nabob; nor was there any rational prospect of improvement. For the payment of particular debts, both to the Company and to individuals, it had been usual with him, according to the custom of Indian princes, to grant assignments on the revenues of particular districts, and no inconsiderable portion of the whole was under this disposition. As the exigency was peculiarly violent; nothing less being immediately at stake, than the existence, in the Carnatic of both the Nabob and the English, Lord Macartney regarded an extension of the same expedient, namely, an assignment of all his revenues, as the only feasible plan for meeting the present difficulties, and compliance with it, as no unreasonable condition imposed

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1782

on the Nabob, seeing the proceeds were to be employed for his own defence, and that it was impossible he could, if defended at all, be so well defended, by any other means. Not without great difficulty the consent of the Nabob was obtained. It was an arrangement far from agreeable to that vanity and ambition, which formed a strong ingredient in his character. And there was no want of persons in his confidence who inflamed his discontent and who excited him to employ every stratagem to obtain the surrender of the power he had given away.

It has already been observed, that the seat or durbar of the Nabob, who had taken up his residence at Madras, was one of the most corrupt and active scenes of intrigue, that had ever been exhibited in India. The Nabob, who was totally incompetent to his own defence, was necessarily in a state of abject dependance upon the Company, but, receiving directly the revenues of the country, he endeavoured, as far as possible, by the application of money, to secure the gratification of his will. His policy was, to purchase friends among the English rulers and to excite opposition to those whose acquiescence he failed in acquiring. The effects were mischievous, in a variety of ways. The servants of the Company were too frequently taught to look to the violation, rather than the performance of their duties, as their most certain source of reward and the business of the Presidency was in general disturbed by a violent spirit of division and counteraction.

The mind of the Nabob was of that class of minds which must, by a kind of necessity, be always governed by somebody, and in the imbecility of age, and of a constitution worn with indulgence, he now leaned more absolutely on the accustomed support, than at an earlier period of his life. The persons who at

this period had acquired the entire ascendancy over him were Ameer ul Omrah, his second son, and Paul Benfield. The former is described as excelling in all the arts of eastern. the latter in all the arts of western, villany. The passion of the former was power, the passion of the latter, money ; and this much, at least, appears, that both pursued their ends with much ardour, with great talents for intrigue, with great audacity, and not much of moral restraint. The immediate object of the former was to get his elder brother disinherited, and to obtain the succession for himself. For this purpose the old Nabob, whose passions and those of his favourite were one, had employed all his arts to obtain from the Company an acknowledgment, that he had the right of naming his successor, without regard to the established order of inheritance. With a view, by obtaining favour with the English, to pave the way to this and other desirable objects, the Ameer ul Omrah had acted the part of a zealous instrument in obtaining the consent of his father to the assignment of the revenues. When he found that Lord Macartney was as little subservient to his purposes, after this event as before, his disappointment and his enmity were equally strong. His endeavour was to render the assignment useless, to annul, if possible, the transaction. As he had his father's mind compliant in all things, so he had it eager in the pursuit of an end, the hope of which served as a balm to the wound his pride had received, in ever relinquishing the management of the revenues. In Benfield he met with an able coadjutor. Benfield had been removed by Lord Macartney from some of the offices which he held as a servant of the Company. The liberalities and the views of the Nabob and his son pointed out a path to fortune as well as revenge.

The first expedient was, by practising on the ren-

BOOK V.
CHAP. 8
1782.

BOOK V ters, and other persons in charge of the re-
 CHAP. 8. render unproductive the collections. Diso-
 1782. desolate as the country was, without a go-
 and ravaged by a destructive-foe, the real
 revenue was in itself a difficult task. Lord
 had appointed a committee, consisting of s-
 most trust worthy of the Company's serv-
 Presidency, for conducting the busines-
 to the assigned revenues. They spec-
 vered, that secret orders and suggestio-
 counteracted all their proceedings, had bee-
 the districts. The people had been taught
 the validity of the engagements formed
 English government, and hence to pract-
 arts of delay and evasion. The greatest
 was evidently exercised upon the unhapp-
 tors yet little could be obtained from
 and collectors for the Company's treasur-
 large sums, it is affirmed, were privately s-
 Amcer ul Omrah¹

The known enmity of Sir Eyre Coote
 Macartney suggested the first stratagem
 turning the engagement with the President
 was offered, the attractions of which, it was
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 able to resist. The Nabob offered to ve-
 hands full authority over all the officers
 vernment and revenues. But the genera-
 knew what a frightful chaos his governme-
 have any desire for the responsibility of so
 a trust.

As soon as it was found that the ear of t-
 nor-General was open to representations ag-
 Governor of Madras, it was a channel in

Nabob and his instruments industriously plied. Lord Macartney was accused of not having abilities to render the assignment of the revenues productive; of enhancing the disorders of the country; and, above all, of practising the utmost cruelty and oppression towards the Nabob and his family. Letters of this import were not only sent at various times in the Nabob's name to Bengal; but one was written and transmitted to the British King.

Sufficient encouragement having been received from the Governor-General, the Nabob ventured at last to solicit the restoration of his revenues, by the surrender of the assignment: And his former agents, Assam Khan and Mr. Richard Sullivan, were sent on a second mission to Bengal in January, 1783.

Their criminative representations against Macartney were received; and not only entered on the records, but immediately sent to England; without communication to the party accused; and of course without an opportunity afforded him of obviating their effects, however undeserved, by a single word of defence. A most singular examination of the Nabob's agents or advocates took place before the Supreme Council, on the subjects on which the Nabob prayed their interference. The agents were directed to state whatever they knew, and did state whatever they chose; matters of hearsay, as much as of perception; without a word of cross-examination, from an opposite party, to limit and correct the partial representation of interested reporters. After completing their statements, and not before, they were asked, if they would swear to the truth of what they had stated. The compulsion was almost irresistible. To have said, they would not swear, was to confess they had not spoken truth. Assam Khan, however, excused himself, on the plea that it was not honourable for a

BOOK V ters, and other persons in charge of the revenues, to
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1789.

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1783

Mussulman to confirm what he said by an oath. Mr Sullivan had no such apology, and therefore he took his oath, but with a tolerable latitude, that "to the best of his belief and remembrance, he had spoken the truth and nothing but the truth" an oath which, if we have charity enough to believe it to be in no degree strained, affected not any part of the truth, however material, which it might have suited and pleased him to suppress."

On the strength of this information, partial and interested as it was, a resolution was passed, on the 8th of January, 1783, to surrender the assignment into the hands of the Nabob though not only had this assignment been formerly approved and highly praised by the Governor General and Council, as an act of equal utility and justice but the delicacy of the Madras government which endeavoured to accomplish the end by gentle means, was treated as too scrupulous, and the utility of a greater severity was particularly and strongly displayed¹

¹ The reader should have before him the very words. In the letter from the Governor General and Council to the President and Select Committee of Fort St. George dated 5th April, 1782 they regret," they say "that the government of Madras should have suffered any consideration even of delicacy towards the Nabob or attention for the feelings which it might be natural for him to retain to restrain them from availing themselves as effectually of the assignment as the desperate necessity which exacted such a concession inevitably demanded." They add a great compliment and say "Happy would it be for the national interests and reputation if the same disinterested and fortuitous spirit should invariably dictate the conduct of their affairs." They rise to the use of unlimited terms instructing the Governor to at once every power necessary to render the assignment effectual—"In a word the whole sovereignty" (such is their expression) "if it shall be necessary to the exercise of such a charge not admitting the intervention of any authority whatever which may possibly impede it. If you continue the Nabob's agent or suffer them to remain under whatever denomination in the actual or virtual control of the revenue they are your servants and you alone will be deemed responsible for all they do or act. And your intercourse with the Nabob may and ought to be restricted to compliments and expressions of kindness."

The interruption and disturbance, which the Nabob was able to give to the government of Madras, he was emboldened to carry to the greatest height, by the encouragement which he received from so high a quarter. A viler display of hypocrisy is not upon record, than the language in which the author of the calamities of the whole Rohilla nation, of those of Cheyte Sing, and of the Begums of Oude, affected to bewail the cruelties which, he said, were practised upon the Nabobs of Carnatic and Oude, by Lord Macartney, and Mr. Bristow. "The condition," Mr Hastings said,¹ "of both Princes is equally destitute and equally oppressed; and the humiliation of their remonstrances shows them to be equally hopeless of any redress but in the mercy of their oppressors." Orders were dispatched to Madras for the restoration of his revenues to the Nabob; of which the sixth part, which he had reserved to himself, as requisite for the maintenance of his family and dignity, had been exactly paid, and in reality yielded to him more money for his private purposes, than he had ever before enjoyed. It curiously happened, that, before the orders of the Supreme Council arrived at Madras, dispatches were received from the Court of Directors, which conveyed their approbation of the assignment, and commanded the assistance of the Bengal government to render it effectual; dispatches which, at the same time, contained, the condemnation of the transaction by which Mr. Sullivan was appointed an agent

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1783.

¹ In his Minute on the 2d of November, 1783, printed among the papers presented to the House of Commons on the 13th of March, 1786. For the opinion which Mr Hastings entertained of the mischievous character of the Nabob, and of the intrigues of which he was at once the cause and the dupe, entertained as long as since the period when he was second in council at Madras, see the records of that Presidency in Rous's Appendix, p 682*, 688*, 704, 717, 718, 729 . . .

BOOK V of the Supreme Council at the residence of the
CHAP. 8. Nabob, and a declaration that the only organ of com-
 1783 munication with Mahomed Ali was the Governor
 and Council of Madras. Upon this communication
 from the Court of Directors, the Governor and Coun-
 cil applied to the Supreme Council for the assistance
 which they were commanded to yield. After a hesi-
 tation of a few months, the Supreme Council resolved
 to disobey. And, informing the Governor and Coun-
 cil of Madras, that they assumed the right of judging
 for themselves, they repeated their orders of the 19th
 of January, and commanded the surrender of the
 assignment.

The consequences of obedience appeared to Lord
 Macartney of the most alarming description. The
 pay of the Madras army was at that moment seven
 months in arrear from the resources of Carnatic
 alone was any supply to be obtained not a single
 pagoda, since the death of Sir Eyre Coote had been
 sent from Bengal. If the assignment was given up,
 the slender produce of the Circars, which Mr Hast-
 ings would have sacrificed would alone have remain-
 ed and neither the native, nor European troops,
 could be expected to bear any addition to the pri-
 vations which they now endured. With a prospect
 of the actual dissolution of the government, if the
 revenues, on which every thing depended, were at
 so extraordinary a moment given up and fully im-
 pressed with the conviction that to surrender them
 to the Nabob was to render them unavailing to the
 defence of the country, defence which then fell upon
 the Company without any resources and oppressed
 them with a burden which they were unable to bear,
 he resolved to maintain the assignment which at
 the close of the second year had yielded one million

sterling from those very countries, which for eighteen months after the invasion of Hyder Ali had not contributed a pagoda toward the expenses of the war.

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CHAP. 8

1785.

With this disobedience, Mr Hastings, whose administration was now so formidably assailed in England, and who was deeply concerned in the success with which he might perform the business of winding it up, found, either not leisure, or not inclination, to enter into contest.¹

After the unreserved exhibition, which I have accounted it my duty to make, of the evidence which came before me of the errors and vices of Mr. Hastings's administration, it is necessary, for the satisfaction of my own mind, and to save me from the fear of having given a more unfavourable conception than I intended of his character and conduct, to impress upon the reader the obligation of considering two things. The first is, that Mr. Hastings was placed in difficulties, and acted upon by temptations, such as few public men have been called upon to overcome: And of this the preceding history affords abundant proof. The second is, that no man, probably, who ever had a great share in the government of the world, had his public conduct so completely explored, and laid open to view. The mode of transacting the business of the Company, almost wholly by writing; first, by written consultations in the Council; secondly, by written commands on the part of the Directors, and written statements of every thing done on the part of their servants in India; afforded a body of evidence, such as under no other government ever did or could exist. This evidence was brought forward, with a completeness never before

¹ Papers presented to the House of Commons, pursuant to their orders of the 9th of February, 1803, regarding the affairs of the Carnatic, vol. II., Barrow's *Life of Lord Macartney*, 1 238—280

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exemplified, first by the contentions of a powerful party in the Council in India next by the inquiries of two searching committees of the House of Commons in the third place by the production of almost every paper which could be supposed to throw light upon his conduct, during the discussions upon the proceedings relative to his impeachment in the House of Commons lastly by the production of papers upon his trial And all this was elucidated and commented upon by the keenest spirits of the age and for a long time without any interposition of power to screen his offences from detection It is my firm conviction, that if we had the same advantage with respect to other men who have been as much engaged in the conduct of public affairs, and could view their conduct as completely naked, and stripped of all its disguises few of them would be found, whose character would present a higher claim to indulgence than his In point of ability, he is beyond all question the most eminent of the chief rulers whom the Company have ever employed nor is there any one of them, who would not have succumbed under the difficulties which, if he did not overcome, he at any rate sustained He had no genius any more than Clive, for schemes of policy including large views of the past and large anticipations of the future but he was hardly ever excelled in the skill of applying temporary expedients to temporary difficulties in putting off the evil day and in giving a fair complexion to the present one He had not the forward and imposing audacity of Clive but he had a calm firmness which usually by its constancy wore out all resistance He was the first or among the first of the servants of the Company who attempted to acquire any language of the natives and who set on foot those liberal inquiries into the life

rature and institutions of the Hindus, which have led to the satisfactory knowledge of the present day He had that great art of a ruler, which consists in attaching to the Governor those who are governed; his administration assuredly was popular, both with his countrymen and the natives in Bengal.

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1785.

CHAP IX

Legislative Proceedings from 1773 to 1780—Renewal of the Charter—Select and Secret Committees of the House of Commons—Proceedings against Indian Delinquency—Mr Dundas's East India Bill—Mr Fox's East India Bills—Mr Pitt's East India Bill

BOOK 1
CHAP 9

1780.

IT is now time to inquire into the proceedings to which the affairs of India had given birth in England since the last great legislative interference. From the year 1767 till the year 1773, the East India Company was bound to pay to the public yearly the sum of 400,000*l*, "in respect of the territorial acquisitions and revenues lately obtained in the East Indies." But in the year 1773, the financial embarrassments of the Company became so great, that they were obliged to solicit, and received a loan from the public of 1,400 000*l*. At that time it was represented, "That, in the then circumstances of the East India Company, it would not be in their power to provide for the repayment of such loan, and for the establishing their affairs upon a more secure foundation for the time to come, unless the public should agree to forego, for the present, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the East Indies."¹ It was, accordingly, at that time enacted, that it should not be lawful to make a dividend of

¹ Such are the words of the preamble of the act 31 Geo III c 63

more than six per cent. per annum on the Company's capital stock, till that loan was repaid, and that the whole of their surplus profits should be applied to its liquidation: that after the loan of 1,400,000*l.* should be repaid, it should not be lawful to make a dividend of more than seven per cent. per annum, upon the capital stock, until by the application of the whole of their surplus profits, their bond debt should be reduced to the sum of 1,500,000*l.* In the year 1779, the loan being repaid, and the debt reduced, according to the terms of the preceding ordinance, an act was passed, to be in force for one year, permitting a dividend of eight per cent for that year, and reserving the surplus profits for the future disposal of the legislature. In the year 1780, another act was passed for one year also, containing precisely the same enactments as that of the preceding year.

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1780.

As the exclusive privileges were to expire upon three years' notice after the 25th of March, 1780, it was now high time to treat about a renewal of the charter; and accordingly, during the latter part of that year, and the beginning of 1781, much negotiation took place between the Treasury and the East India House. In parliament, the business was of very difficult handling. The contests between the Supreme Council and Supreme Court, which were represented as actually opposing one another with an armed force, had given occasion to petitions from the British subjects in India, from the Governor-General and Council, and from the East India Company; and had made a deep impression upon the public mind: The complaints and representations of Mr. Francis, taken up warmly by a powerful party in the legislative assembly, had filled the nation with ideas of injustice and other crimes on the part of Mr Hastings: Intelligence had been received of the irruption

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CHAP. 9

1781

of Hyder Ali into Carnatic, with the strongest representations of the misconduct of those agents under whom so much calamity had arrived. And strong fears were excited, that the ruin of the English interests, in that part of the world, was at hand.

The points were two, upon which the views of the minister and the Company found it difficult to concur. The right to the territory and the remuneration due to the public for the advantages which the East India Company were allowed to enjoy. According to the minister the right of the crown to all territory acquired by subjects, was a matter of established law. The Company were at this time sufficiently bold to assert, that the Indian territory which they had acquired belonged of right to themselves. On the other point, the only question was, what proportion of the proceeds from the Indian territory, the East India Company should be made to give up to the nation.

Lord North was now tottering on the ministerial throne. The East India Company were therefore, encouraged to greater boldness, in standing out for favourable terms. And they declined to bring forward a petition for a renewal of the charter, on those terms to which the minister desired to reduce them. On the 9th of April 1781, he represented, that "though he did not then intend to state any specific proposition relative to the future management of the Company's affairs still he held it to be his duty to state to the House some points that would be very proper for them to consider before they should proceed to vote. First the propriety of making the Company account with the public for three fourths of all the net profits above eight per cent for dividend. Secondly of granting a renewal of the charter for an exclusive trade for a short, rather than a long term

Thirdly, of giving a greater degree of power than had been hitherto enjoyed, to the Governor of Bengal, that, in future, among the members of the Council, he might be something more than a mere *primus inter pares*, equal with the name of chief; Fourthly, of establishing a tribunal in England, for jurisdiction in affairs relating to India, and punishing those servants of the Company who should be convicted of having abused their power; Fifthly, the propriety, as all the dispatches received from India by the Directors were by agreement shown to his Majesty's Secretary of State, of making all dispatches to India be shown to him before they were sent, lest the Directors might at some time or other precipitate this kingdom into a war without necessity with the princes of that country. Sixthly," he said, "it would be the business of the House to determine, upon what terms, and whether with or without the territorial revenues, the charter should be renewed; Seventhly, whether, if government should retain the territories, it might not compel the Company to bring home the revenue for government; and, Eighthly, whether any, and what regulations ought to be made, with respect to the Supreme Court of Judicature."¹

Of these propositions, the third, the fourth, and the fifth, are remarkable, as the archetype, from which were afterwards copied three of the principal provisions in Mr Pitt's celebrated East India bill.²

¹ See Parliamentary History, vol. 111

² The purport of these three propositions he expressed more explicitly on the 25th of May "He had an idea which he had once thrown out, of giving the Governor-General greater powers than were at present vested in him, authorizing him in some cases to act independently of his Council, only stating to them, after he had so acted, the reasons upon which he justified his conduct, and sending home those reasons, together with such as the Council should at the time have delivered, in case they differed in opinion from the Governor-General Another

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1781

At last a compromise was effected between the minister and the Directors. A petition for renewal of the charter was presented from the Directors, on the 26th of June, 1781. And an act was passed, of which the following were the principal provisions. That, whereas the Company, since the 24th of June, 1778, when they had paid their loan to the public, and reduced their bond debt to the pre-appointed limits, had been in possession of all the profits arising from the Indian territory, exempt from participation with the public, they pay 400 000*l.* to the public, in discharge of all claims upon that account previous to the 1st of March 1781. That all the former privileges granted to the Company be continued to them, till three years notice after the 1st of March, 1791. That the Company pay out of their clear profits, a dividend of eight per cent per annum on the capital stock, and of the surplus, three-fourths to the public, reserving the remainder to their own use. And that the claims with respect to the territory, on the part both of the Crown and the Company, remain unaffected by the present act. Of the propositions, thrown out by the minister, for the introduction of

matter he designed to introduce was this. At present the Company were obliged to send copies of all their dispatches from India, but not of any of the orders and instructions which they sent out: He meant, therefore to insert in the bill a clause obliging them to show to the Lords of the Treasury or the Secretaries of State all their instructions to their servants that related to their political and military conduct; and to add farther that if his Majesty thought proper to signify through his Secretaries of State to the Directors, any order relative to the particular conduct of the Company's servants in regard to the prosecution and management of war in India or to the political direction of affairs, or to any treaties with the powers in India, that the Directors should be obliged to obey such order and to send it out to India immediately. He thought it would be a desirable thing to establish a Court of Judicature in this kingdom to hear and determine in a summary way all charges of peculation and oppression in India." *Ib.* p. 370

reforms into the government of India; only one was carried into effect; namely, that regarding the powers of ministers over the political transactions of the Company. It was ordained that they should communicate to ministers all dispatches which they sent to India, with respect to their revenues, and their civil and military affairs; and that in all matters relative to war and peace, and transactions with other powers, they should be governed by the directions which ministers might prescribe.¹

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1781.

On the 12th of February, 1781, petitions from the Governor-General and Council, and from a number of British subjects residing in Bengal, and from the United Company of Merchants trading to the East Indies, against the pretensions and proceedings of the Supreme Court of Judicature, were read in the House of Commons; and after a debate it was agreed, that a Select Committee should be chosen to whom they were referred. This was that celebrated committee who were afterwards instructed to take into consideration the administration of justice, in the provinces of Bengal, Bahar, and Orissa; and in what manner that country might be governed with greatest advantage to the people both of Great Britain and of India. In this Committee the most conspicuous, as well as the most laborious member, was Mr Edmund Burke.

The Select Committee was moved for by General Smith, who belonged to what is called the opposition party in the House; and it was chiefly composed of members who had acted not in concert with the minister. That a want of equal zeal for the elucidation of Indian delinquency might not be imputed to his

¹ 21 Geo III cap 65.

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party, the minister, on the 30th of April, immediately after the arrival of news of the irruption of Hyder Ali into Carnatic, moved for the formation of a Secret Committee, who should inquire into the causes of the war, then subsisting in the Carnatic, and into the state of the British possessions on that coast. This Committee was composed almost entirely of persons connected with the minister and Mr Henry Dundas, then Lord Advocate of Scotland was its presiding and most active member.

The first of these Committees presented the House with twelve Reports the other with six and the public is deeply indebted to them for the publication of the most important documents of the Indian government, during the period to which their inquiries applied. Any considerable desire for the welfare of India, guided by any considerable degree of intelligence would have drawn a great lesson from that example. An adequate plan for a regular, and successive, and still more perfect publication of the most material documents of the Indian administration would be one of the most efficient of all expedients for improving the government of that distant dependency.

On the 23d of May, a report from the Select Committee on the petitions against the Supreme Court was read and leave given to bring in a bill, for the better administration of justice in Bengal, for the relief of certain persons imprisoned at Calcutta under a judgment of the Court and for indemnifying the Governor General and Council for resisting its process. The subject was debated on the 10th of June, Mr Dunning being the most remarkable of the opponents of the bill. It was passed without delay and it exempted from the jurisdiction of the Supreme Court

the Governor-General and Council, all matters of revenue, and all Zemindars, and other native farmers and collectors of the revenue.

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CHAP 9.

1782.

Lord North resigned the office of minister in the month of March, 1782; and was succeeded by the Marquis of Rockingham and party, the hostility of whom to the present managers in India was sufficiently known,

On the 9th of April, 1782, Mr. Dundas moved that the reports which he had presented as Chairman of the Secret Committee should be referred to a Committee of the whole House; and, in a speech of nearly three hours in length, unfolded the causes and extent of the national calamities in the East. He expatiated on the misconduct of the Indian Presidencies, and of the Court of Directors; of the former, because they plunged the nation into wars for the sake of conquest, contemned and violated the engagement of treaties, and plundered and oppressed the people of India, of the latter, because they blamed misconduct only when it was unattended with profit, but exercised a very constant forbearance towards the greatest delinquency, as often as it was productive of a temporary gain. The speech was followed up by a number of propositions, which he moved in the shape of resolutions. Beside the reproaches which these resolutions cast upon the general strain of the Company's administration in India, they pronounced a condemnation, so strong, upon the measures of the Presidency of Madras, that nothing less than criminal proceedings against the authors of them could accord with so vehement a declaration of their guilt. The resolutions were solemnly voted; articles of charge against Sir Thomas Rumbold and other Members of the Madras Council were adopted. and a bill of pains and penalties, for

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1783. breaches of public trust, and high crimes and misdemeanors, committed by Sir Thomas Rumbold, was introduced by Mr Dundas. The bill was read a first time. Before the second reading, Sir Thomas Rumbold was heard in his defence. The session drew to a close, before a great progress was made. In the beginning of 1783, the state of the ministry was unsettled. And as if, when ministry is unsettled, parliament were inadequate to its functions, the bill was neglected till the middle of the session. After the middle of the session, the members soon began to be remiss in their attendance.¹ And on the 19th of December immediately after the dismissal of Mr Fox's coalition ministry, a motion was made and carried for adjourning the further consideration of the bill till the 24th day of June next, by which the prosecution was finally dropped. Sir Thomas consented to accept of impunity without acquittal: his judges refused to proceed in his trial, after they had solemnly affirmed the existence of guilt: and a black stain was attached to the character of both.

¹ On the 2d of May 1783 "The Lord Advocate complained of the very thin attendance that he had hitherto found whenever the bill of pains and penalties against Sir Thomas Rumbold became the subject of discussion. He wished to know whether it was seriously intended to pursue the business to the end or not? If it was the intention of the House to drop it, he wished to be made acquainted with that circumstance: and then he would not move for another hearing on the subject: for it was a mockery to go into the evidence on the bill when there could not be kept together a sufficient number of members to make a house.—Mr. Fox declared that, to drop the bill would be productive of the most fatal consequences: for it would convince the world that the most atrocious misconduct in India would meet with impunity in parliament. And therefore he requested gentlemen would for the credit, honour and interest of the country attend to the evidence for and against the bill. If the bill should be lost for want of attendance it would not clear the character of Sir T. Rumbold. On the other hand it would hold out this side to the people of India that it was in vain for them to expect redress of their grievances in England.—Mr. H. Put forth that some remedy must be devised to enforce attendance in the case of ballots for election committees." *Parliamentary History*—vol. viii. 603

Beside his prosecution of Sir Thomas Rumbold, BOOK V.
 Mr. Dundas proceeded to urge the legislature to spe- ЧАП. 9
 cific propositions against Mr Hastings, and Mr. 1783.
 Hornby, the presiding members of the other Presi-
 dencies. Against Mr. Hastings, in particular, he
 preferred a grievous accusation, grounded on the re-
 cent intelligence of the ruin brought upon the Rajah
 Cheyte Sing. On the 30th of May, 1782, he moved,
 and the House adopted, the following resolution:
 "That Warren Hastings, Esq. Governor-General of
 Bengal, and William Hornby, Esq. President of the
 Council of Bombay, having in sundry instances acted
 in a manner repugnant to the honour and policy of
 this nation, and thereby brought great calamities on
 India, and enormous expenses on the East India
 Company, it is the duty of the Directors of the said
 Company to pursue all legal and effectual means for
 the removal of the said Governor-General and Presi-
 dent from their respective offices; and to recall them
 to Great Britain." The Marquis of Rockingham
 was still minister, and his party appeared to have
 firmly determined upon the recall of Mr. Hastings.
 The vote of the House of Commons was therefore
 followed by a similar proceeding on the part of the
 Directors. But the death of the Marquis, which
 happened at this critical period, gave courage and
 strength to the friends of that Governor, and in a
 Court of Proprietors of East India Stock on the 31st
 of October, 1782, the order of recall which had been
 made by the Court of Directors was rescinded by a
 large majority.

On the 24th of April, 1782, the Chairman of the
 Select Committee presented a series of resolutions,
 which referred to little more than two points. Mr.
 Sullivan, who was Chairman of the East India Com-
 pany, had mis-stated a conference held between him

BOOK V and certain Members of the House of Commons, and
 CHAP 9 the consequence had been, that the relief intended to
 1783 certain persons confined in the common goal at Calcutta, had been considerably delayed: Mr Sullivan had also postponed the transmission of the act of parliament for the remedy of the evils arising from the proceedings of the Supreme Court of Judicature Mr Sullivan had, moreover, bound a clerk at the India House, peculiarly qualified to give information by an oath of secrecy, from communicating evidence to the Select Committee. A series of resolutions were, therefore, moved and carried for the censure of Mr Sullivan This is the first of the points to which the resolutions moved on the part of the Select Committee referred The second was the conjunct transaction of Mr Hastings and Sir Elijah Impey, in making the Chief Justice of the Supreme Court head of the Sudder Duannee Adaulut. The purport of them on this point was, That the dependence of the Chief Justice, created by holding emoluments at the pleasure of the executive government, was inconsistent with the faithful administration of justice That the Governor General and Chief Justice were highly culpable in that transaction And that the appointment should be immediately vacated and annulled To these resolutions were added other two The first, "That the powers given to the Governor General and Council by the East India Act of 1773, ought to be more distinctly ascertained" The second, "That it will be proper to reduce into one act the several acts of parliament made to regulate the East India Company and further to explain and amend the same and also to make new regulations and provisions to the same end." The whole of these resolutions were carried and upon those which related to the dependence in other words the corrup

tion, of the Chief Justice, was founded a resolution voted on the 3d of May, for an address to the King that he would recall Sir Elijah Impey to answer for his conduct in that transaction.

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1783.

The vote of the Court of Proprietors, in opposition to the recall of Mr. Hastings, was severely reprobated by Mr. Dundas, at the beginning of the next session of parliament, when he moved, that all the proceedings in relation to it should be laid before the House, and pronounced it an act both dangerous in principle, and insulting to the authority of parliament.

On the 5th of March, 1783, a petition from the United Company of Merchants trading to the East Indies was presented to the House of Commons and referred to a Committee. It set forth, that having paid 300,000*l.* of the sum exacted of them for the benefit of the public, by the late act, they were unable to pay the 100,000*l.* which remained; that the advances which had already been received by the public “were made under mistaken ideas of the petitioners’ pecuniary abilities,” that the aid necessary to carry on their affairs only to the 1st of March, 1784, would upon the most moderate calculation be 900,000*l.*, even if excused the payment of the sum of 100,000*l.*, due upon the late agreement, and they prayed, that, if re-imbursement be not made to them, they be allowed to increase their bond debt, without diminishing their dividend, which would affect their credit; that they be not required to share any thing with the public, till the increase thus made of their bond debts be again wholly reduced; that the term of their exclusive privileges, a short term being injurious to their credit, should be enlarged; and that the petitioners be relieved from that share of the expense attending the service of the King’s troops and navy which according to the late act they were

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bound to afford Two acts were passed for their relief the first allowing more time for the payment of the taxes for which they were in arrear, and enabling them to borrow money on their bond, to the amount of 500,000*l* the second act, (the relief granted by the first being found insufficient), accommodated them with a loan from the public to the amount of 300,000*l* both acts permitting them to continue a dividend of eight per cent., though after paying necessary expences, their receipt fell short of that dividend by a sum of 255,813*l*¹ They borrowed money, therefore, to divide among themselves to that amount, a singular way for a trader to keep out of debt.

Upon the death of the Marquis of Rockingham, the Earl of Shelburne, afterwards Marquis of Lansdown, became minister and continued in office from the 13th of July, 1782, till the 5th of April, 1783 At that time, the coalition of Lord North and Mr Fox gave existence to the ministry which that circumstance has served to designate, and to characterize

The former exertions of Mr Dundas in the investigation and adjustment of the nation's Indian affairs, were followed up by a bill, which he introduced to the House on the 14th of April, 1783 Its principal provisions were these That the King should have the power of recall over the principal servants of the Company That the Governor General and Council of Bengal should have a controlling power over the other presidencies and that the Governor General should have a power of acting on his own responsibility in opposition to the opinion of his Council That the Governors at the other presidencies should

¹ See the acts of 3 Geo III cap 26 and 87 and Cobbett's Parl. Hist. vol. 371

not have a power of originating any measure, contrary to their Councils, but a power of suspending their action by a negative till the opinion of the Controlling Presidency should be known: That the displaced Zemindars should be replaced: That the Rajah of Tanjore should be secured in all his present possessions. In his speech he repeated his former arguments for the recall of Mr. Hastings; and then launched out into the numerous and extraordinary circumstances, which pointed out Lord Cornwallis as the fittest person in the world for the government of India. "Here there was no broken fortune to be mended! Here was no avarice to be gratified! Here was no beggarly, mushroom kindred to be provided for! No crew of hungry followers, gaping to be gorged!"¹ Leave was given to bring in the bill. But Mr. Dundas, who was now in opposition, and of course received no encouragement from the ministry, did not persevere

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On the 11th of November in the year 1783, a new parliament met. In the speech from the throne they were informed that definitive treaties of peace had been signed, or preliminaries ratified, with the courts of France and Spain, with the United States of America, and the States General of the United Provinces. They were also informed, that among the important objects, the urgency of which had required their presence after so short a recess, the affairs and government of India solicited the utmost exertions of their abilities, and that the fruit was now expected of those important inquiries, which had been so long and diligently pursued

By the treaty of peace with France, Pondicherry

¹ See the acts of 23 Geo III. cap 36 and 39, and Cobbett's *Parl. Hist* xxiii. 759

BOOK V and Carical, to both of which some territory was
 CHAP 9 annexed, the whole of the possessions which France
 1783 enjoyed in Bengal and Orissa at the commencement
 of the war, together with Mahé, and the power of
 restoring their factory at Surat, were conceded to the
 French. In the treaty with the Dutch, Trincomalee
 was restored but Negapatnam was retained.

The opponents of the ministry, in both houses of
 parliament, proclaimed aloud the necessity, occasioned
 by the state of affairs in India, for instant and effectual
 reform. They enumerated the abuses which appeared
 to prevail and they called upon, they stimulated,
 and importuned the minister to bring forward a
 scheme of improvement, and without delay to gra-
 tify the impatient expectation of the people. In these
 vehement calls, the voice of Mr William Pitt was
 distinguished for its loudness and importunity. At
 that time it suited him, to desire not only reform,
 but complete reform reform, co-extensive with the
 evil, possible to be removed and the good, capable
 of being attained. He challenged and summoned the
 minister to bring forward a plan, "not of temporary
 palliation or tumorous expedients, but vigorous and
 effectual suited to the magnitude, the importance,
 and the alarming exigency of the case." Mr Fox
 afforded his adversaries but little time to complain of
 delay.

His plan was divided into two parts, and intro-
 duced in two separate bills one having a reference
 to the governing power at home the other to the
 administration in India.

I For constituting an organ of government at
 home the two existing Courts of Directors and Pro-
 prietors of the East India Company, were to be abo-
 lished as totally inadequate to the ends of their
 institution and, in their room, seven commissioners

were to be named in the act, that is, chosen by the legislature. These commissioners, acting as trustees for the Company, were to be invested with full powers for ordering and administering the territories, revenues, and commerce of India; and to have the sole power of placing and displacing all persons in the service of the Company, whether in England or abroad.

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The following were the most material of the subordinate regulations.

For managing the details of the commerce, but subject to the authority and commands of the Superior Board, nine assistant Directors were to be named by the legislature, being Proprietors, each, of not less than 2,000*l* of East India capital stock.

In the superior body, vacancies were to be supplied by the King in the inferior they were to be supplied by the Proprietors, voting by open poll. Removals in the superior body were to be performed by the King, upon the address of either house of parliament; in the inferior, by the same authority, and also by concurrence of any five of the Chief Directors, recording their reasons.

For the more speedy and effectual repression of offences committed in India, the Directors were, within twenty-one days after the receipt of any accusation or charge, to enter upon the examination of it, and either punish the offender, or record their reasons for not punishing.

Before any person who had served in India, and against whom any charge appeared, should be allowed to return, the Directors were to make a particular inquiry into the circumstances of the charge, and to record their reasons for permitting the return.

Upon knowledge of any dispute subsisting between the heads of the different settlements, or between the

BOOK V heads and their councils, the Directors were to institute
 CHAP 9 immediate inquiry, and come to a decision in
 1783. three months, or to record their reasons why they did not.

If the constituted authorities at any of the settlements should require the direction or opinion of the Directors, they were to give it in three months, or to record their reasons for not giving it.

If any injury to any native prince should be complained of, or appear, the Directors were to inquire and to make compensation wherever it was due.

For publicity, one expedient was thought to suffice that the Directors should once in six months lay before the Proprietors the state of the commerce and before the commencement of each parliamentary session should present to the ministers, certain political and commercial statements, which the ministers should exhibit to parliament.

It was provided, that no Director or Assistant Director, should, while in office hold any place of profit under the Company, or any place during pleasure under the King but neither was to be disqualified for retaining a seat in parliament. And the act was to continue in force during four years.

II Under the second part of the plan, that which had for its object the reform of the immediate administration in India, no improvement whatsoever, in the order and distribution of the powers of government, was attempted and hardly any thing higher was proposed, than to point out what were deemed the principal errors or delinquencies into which the Indian government had strayed, and to forbid them in future.

Strict obedience was enjoined to the commands of the Directors, because Mr Hastings, whenever a strong motive occurred disobeyed them

The councils were forbidden to delegate their powers; because, in two memorable instances, those of his journeys to the Upper Provinces, the Supreme Council had delegated theirs to Mr. Hastings.

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The regular communication to the councils of all correspondence was rendered imperative upon the Governor-General and other Presidents, because Mr. Hastings, when he had certain objects to serve, had withheld parts of the correspondence.

Because the other servants of the Company had usually united with the governors, in those proceedings of theirs which were most highly condemned, the servants were to be rendered less dependant upon the governors, by lodging a greater share of the patronage in the hands of the commissioners.

No banyan, or native steward, of any of the principal servants was to be allowed to rent the revenues; because the banyan of Mr. Hastings had rented them to a great amount. Such renting to the banyan was declared to be the same thing as renting to the master.

No presents were to be taken even for the use of the Company; because Mr. Hastings had taken presents, and skreened himself by giving them up at last to the Company.

The abolition was to be ordained of all monopolies; because the Company's servants in Bengal had been the cause of evil, by monopolizing salt, beetel-nut, and tobacco.

Passing then from the imputed errors in Bengal to those at Madras, the bill proposed to enact:

That no protected or dependant prince should reside in the Company's territory, or rent their lands; because the Nabob of Arcot had disturbed the Presidency with intrigues by residing at Madras, and had rented, as was alleged, corruptly, the Madras jaghuc:

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That no civil or military servant of the Company should lend money to such prince, rent his lands, or have with him any pecuniary transaction because the lending of money to the Nabob of Arcot, renting his lands, and other money transactions between him and the Company's servants, had given rise to many inconveniences.

As the inaccurate definition of the limits prescribed to the control of the Governor General and Council over the other Presidencies had been fertile in disputes, an attempt, but not very skilful, was made to remove that deficiency, by enacting that it should extend to all transactions which had a tendency to provoke other states to war

The old prohibition of the extension of territory was enforced by forbidding hostile entrance upon any foreign territory, except after intelligence of such hostile preparations, as were considered serious by a majority of the Council forbidding alliance with any power for dividing between them any acquirable territory and loans of troops to the native princes excepting in all these cases by allowance of the Directors

The project of declaring the Zemindars, and other managers of the land revenue hereditary proprietors of the land; and the tax fixed and invariable originally started by Mr Francis and in part proposed for enactment in the late bill of Mr Dundas was adopted

Instead of the regulation, introduced into the bill of Mr Dundas, that the Governor-General should have a power of acting upon his own responsibility independently of the will of his Council, power was only to be given to him and to the Presidents at the other settlements, of adjourning or postponing, for a limited time the consideration of any question in their respective councils

A mode was prescribed for adjusting the disputes of the Nabob of Arcot with his creditors, and with the Rajah of Tanjore.

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All offences against the act were rendered amenable to the courts of law in England and India. And all persons in the service of the Company, in India, or in that of any Indian prince, were declared unfit, during the time of that service, and some succeeding time, to hold the situation of a member of the lower house of parliament.

No proceeding of the English government, in modern times, has excited a greater ferment in the nation, than these two bills of Mr. Fox. An alarm diffused itself, for which the ground was extremely scanty, and for which, notwithstanding the industry and the art with which the advantage was improved by the opposite party, it is difficult, considering the usual apathy of the public on much more important occasions, entirely to account. The character of Mr. Fox, who was at that time extremely unpopular, and from the irregularity of his private habits, as well as the apparent sacrifice of all principle in his coalition with Lord North, was, by a great part of the nation, regarded as a profligate gamester, both in public and in private life, contributed largely to the existence of the storm, and to the apprehensions of danger from the additional power which he appeared to be taking into his hands.¹ In the House of Commons, indeed,

¹ To prevent misconception, it is necessary to preclude the inference that I concur in the opinion, which I give in the text, as one among the causes of a particular effect. In the private character of Mr. Fox, there was enough, surely, of the finest qualities, to cast his infirmities into the shade. And though, absolutely speaking, I have no great admiration to bestow upon him, either as a speculative, or practical, statesman, yet when I compare him with the other men, who had figured in public life in his country, I can find none whom I think his superior, none, perhaps, his equal.

BOOK V the party of the minister eminently prevailed, and
 CHAP 9 though every objection which the imaginations of the
 1783 orators could frame was urged against the measure
 with the utmost possible pertinacity, vehemence, and
 zeal, the bill passed by a majority of more than two
 to one.

In the mean time opportunity had been found for alarming the mind of the King. The notion circulated was, that by vesting the whole patronage of India in the hands of Mr Fox, by vesting it in a board of commissioners, under his appointment, it would be impossible for the King ever to employ, as minister, any other man, and the power of Mr Fox would be rendered absolute over both the King and the people. Instead of having recourse to the expedients, which the law had placed in his hands, of dismissing his ministers or even dissolving the parliament a clandestine course was adopted, which violated the forms of the constitution. Though it had often been declared that the constitution depended on the total exemption of the deliberations in parliament from the impulse of the royal will, the King employed Lord Temple to inform as many as he thought fit of the peers of parliament, that those who should vote for the Indian bill, he would take for his enemies. On the day of the second reading of the bill, the minister was left in a minority of seventy-nine to eighty seven.

The outcry which was raised against this measure, holds a considerable rank among the remarkable incidents in the history of England. It was a declaration a vehement declaration, on the part of the King, and of the greatest portion of all the leading orders in the state, as well as of the body of the people that the Commons House of Parliament, as now constituted is altogether inadequate to the ends which it is meant

to fulfil Unless that acknowledgment was fully made, the outcry was groundless and impostrous.

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The essence of the change which Mr. Fox proposed to introduce consisted in this, and in nothing but this : That the Board of Directors should be chosen, not by the owners of Company's stock, but by the House of Commons.

Surely, if the House of Commons were a fit instrument of Government, a better choice might be expected from the House of Commons than from the crowd of East India Proprietors. The foundation on which the justice of the clamour had to rest, if any justice it contained, was this : that the House of Commons would act under a fatal subservience to the profligate views of the minister. But to suppose that the House of Commons would do this in one instance only, not in others, the motive being the same ; that they would make a sacrifice of their duty to their country, in one of the most ruinous to it of almost all instances, while in other instances they were sure to perform it well, would be to adopt the language of children, or of that unhappy part of our species whose reason is not fit to be their guide. If the House of Commons is so circumstanced, as to act under motives sufficient to ensure a corrupt compliance with ministerial views, then, undoubtedly, the House of Commons is a bad organ for the election of Indian rulers. If it is not under such motives to betray the interests of the country to the views of ministers, then it is undoubtedly the best instrument of choice which the country can afford : Nor is there any thing which can render it, compared with any other electing body, which could be formed in the country, unfit for this function, which does not, by necessity, imply an equal unfitness for all its peculiar functions. If it is unworthy to be trusted with the election of East India

BOOK V Directors, it is still less worthy to be trusted with the
CHAP 9 purse strings of the nation . If there would be danger
 1783 to the British people in the one case, the danger is
 far greater in the other

An heart felt conviction, that the House of Commons, as now constituted, is totally unworthy of trust, announced in the strongest of all possible terms, by the King, by the principal part of the aristocracy, of the whole, in short, of that part of the nation whose interests and ideas are in the strongest manner linked to monarchical and aristocratical privileges and distinctions, is of infinite importance because it may be so employed as to make them ashamed of that opposition to reform, which, by so many selfish and mean considerations, they are in general engaged to maintain

There is but one allegation, which appears capable of being employed to elude the force of this deduction That the House of Commons would not act under a profligate subservience to the views of a minister, if subject only to the influence which was then at the command of the minister but would be sure to do so if subject to all that influence which would be created by adding the patronage of India

This allegation, then, rests upon the assumption that the profligate subservience of the House of Commons depends wholly upon the degree, more or less, of the matter of influence to which it is exposed If the quantity to which it is exposed is sufficiently small, it will have no profligate subservience If the quantity to which it is exposed is sufficiently great its profligate subservience will be unbounded Admit this and is any thing necessary besides, to prove the defective constitution of that assembly ? In taking securities against men, in their individual capacity do we rest satisfied if only small temptations to mis

conduct exist? Does not experience prove, that even small temptations are sufficient, where there is nothing to oppose them?

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In the allegation is implied, that the House of Commons, as not yet feeling the influence of Indian patronage, would, in choosing men for the Board of Direction, have, at that first time, chosen the best men possible; but these men, being the best men possible, would have employed the Indian patronage, placed in their hands, to corrupt the House of Commons into a profligate subservience to the views of the minister. For what cause?

The analysis of the plea might, it is evident, be carried to a great extent. But it is by no means necessary; and for the best of reasons; because the parties who joined in predicting the future profligacy of the House, universally gave it up. The House of Commons, they said, is now, is at this instant, that corrupt instrument, which we contend that the patronage of India applied to it in the way of influence would make it. The House of Commons, they maintained, was then at the beck of the minister; was, even then, in a state of complete subservience, even for the worst of all purposes, to the minister's views. Mr. Pitt said, "Was it not the principle, and declared avowal of this bill, that the whole system of India government should be placed in seven persons, and those under the immediate appointment of no other than the minister himself? He appealed to the sense and candour of the House, whether, in saying this, he was the least out of order? Could it be otherwise understood, or interpreted? That these seven men were not to be appointed solely by the minister?"¹ On another occa-

¹ Debate on Mr Fox's motion for leave to bring in his East India bills, Cobbett's Parl Hist xxiii 1210

BOOK V sion he said, that he objected to Mr Fox's bill,
 CHAP 9 "because it created a new and enormous influence,
 1783 by vesting in *certain nominees of the minister* all the patronage of the East."¹ Mr W Grenville (afterwards Lord Grenville) said, "The bill was full of blanks, and these blanks were to be filled by that House. It was talking in parliamentary language to say, the minister was to fill the blanks and that the seven commissioners were the seven nominees of the minister. Seven commissioners chosen, by parliament ostensibly, but in reality by the servants of the Crown, were to involve in the vortex of their authority, the whole treasures of India. These, poured forth like an irresistible flood upon this country, would sweep away our liberties, and all that we could call our own."² But if parliament would choose these seven commissioners at the beck of the minister what is there they would not do at the beck of the minister.³ The conclusion is direct, obvious, and irresistible. Upon the solemn averments of these statesmen, the question is for ever set at rest.

At the same time it must be admitted, that the bills of Mr Fox, many and celebrated as the men were who united their wisdoms to compose them, manifest a feeble effort in legislation. They afford a memorable lesson because they demonstrate, that the authors of them, however celebrated for their skill in speaking, were not remarkable for the powers of thought. For the right exercise of the powers of government in India, not one new security was provided and it would not be very easy to prove that any strength was added to the old.

I There was nothing in Mr Fox's number Seven,

¹ Debate on the state of the nation Cobbett's Parl. Hist. xiv. 271

² Debate on Mr Fox's motion ut supra Cobbett's Parl. Hist. xxi. 1222

more than in the Company's number *Twenty-Four*, to ensure good government. And by his change of one electing assembly for another, the nation decided, and under the present constitution of the House of Commons decided well, that bad would only be improved into worse

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If such was the nature of the fundamental expedient, it cannot be imagined that the subsidiary ones would impart a high degree of merit to the whole. If not absolutely nugatory, they were all feeble in the highest degree. What useful power of publicity, for example, was involved in transferring annually to the hands of the ministers, a certain portion of Indian papers? A proper policy being established between the minister and his seven directors, they could present to parliament every thing which favoured their own purposes, keep back every thing which opposed them; and thence more effectually impose upon the nation. It seems, from many parts of the bill, to have been the opinion of its authors, that if they only gave their commands to the rulers of India to behave well, they would be sure to do so. As if there was no channel of corruption but one, it was held sufficient, if the directors, while in office, were prohibited from holding places of profit under themselves, and places of profit during pleasure under the King.

The seven directors, in the case of some of their most important decisions, were bound to record their reasons; a most admirable security where the *public* are to see those reasons: Where they are to be seen only by the parties themselves, and by those who have like sinister interests with themselves, as in this case by the minister, they are obviously no security at all.

Good conduct in any situation depends upon the

motives to good conduct, which operate in that situation and upon the chance for intelligence and probity, in the individuals by whom it is filled : That, in regard to motives, as well as intelligence, and probity, the public had less security for good conduct, in the case of the ministerial commissioners, than in the case of Directors chosen by the Company will be fully made to appear when we come to examine the nature of the ministerial board erected by Mr Pitt, a board, which, in all these particulars, is very nearly on a level with that of Mr Fox.

II With regard to that part of the scheme which was intended to improve the state of administration in India, no change in the order and distribution of the powers of government was attempted. The play of the machinery, therefore, that is, the whole of its old tendency to evil, described by Mr Fox as enormous, was to remain the same. All it is evident, that, upon this foundation, could be aimed at, was, to palliate and in the choice of his palliatives, Mr, Fox was not very successful.

Merely to forbid evil in a few of the shapes in which it had previously shown itself, was a slender provision for improvement, when the causes of evil remained the same as before both because there were innumerable other shapes which it might assume, and because forbidding, where there is no chance, or little chance, of harm from disobedience, is futile, as a barrier against strong temptations.

To lessen the power of the Chief Ruler in selecting the immediate instruments of his government, was so far to ensure a weak and distracted administration. The sure effect of it was, to lessen the power of a virtuous ruler in obtaining assistance to good. And as the co-operation of the inferior servants in the imputed plunder, embezzlement, and oppression was

not secured by the power of the Governor-General to promote them; but by the common interest which they had in the profits of misrule, his not having the power to promote them was no security against a co-operation secured by other means.

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In respect to sanctions, on which the efficiency of every enactment depends, Mr. Fox's bill provided two things; chance of removal; and prosecution at law; nothing else. In respect to chance of removal; as the effect of the bill was to render the minister absolute with regard to India, those delinquencies alone, which thwarted the views of the minister, created any danger, those which fell in with his views were secure of protection. From prosecution at law, under tribunals and laws, such as the English, a man who wields, or has wielded the powers of government, has, it is obvious from long experience, very little to fear.

It really is, therefore, hardly possible for any thing in the shape of a law for regulating the whole government of a great country, to be more nugatory than the bill of Mr. Fox.

On the great expedient for ensuring the rights of the native subjects, the scheme borrowed from Mr Francis, of declaring the rent of the land unchangeable, and the tenures hereditary; we have already made some, and shall hereafter have occasion to make other remarks, to show, that it is founded upon false ideas, and productive of evil rather than good.

The prohibition of monopolies, and presents, and some other minor regulations, were beneficial, as far as they went.

If this project of a constitution for India proves not the existence of a vast portion of intellect, among those by whom it was framed, the objections of those who had only to criticize, not to invent, appear to

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prove the existence of a still smaller portion among its opponents Not one of their objections was drawn from the real want of merits in the plan from its total inefficiency, as a means, to secure the ends, at which it pretended to aim They were all drawn from collateral circumstances, and, what is more, almost all were unfounded

The danger to the constitution, in giving the appointment of Directors to the House of Commons was the subject of the principal cry But it has been shown, that this could have no injurious effect, unless the House of Commons were already perverted from its supposed ends, and the goodness of the constitution destroyed

Much rhetoric was employed to enforce the obligation created by the "chartered rights of men" But it was justly observed, That the term "chartered rights of men," was a phrase full of affectation and ambiguity That there were two species of charters one, where some of the general rights of mankind were cleared or confirmed by the solemnity of a public deed the other, where these general rights were limited for the benefit of particular persons That charters of the last description were strictly and essentially trusts and ought to expire whenever they substantially vary from the good of the community, for the benefit of which they are supposed to exist

The loss of the India bill, in the House of Lords, was the signal for the dissolution of the ministry At the head of the new arrangement was placed Mr Pitt On the 14th of January 1784 he moved for leave to bring in a bill on the affairs of India A majority of the House of Commons still supported his opponent and his bill was rejected Mr Fox gave notice to the House of his intention to bring in a second bill. On the 10th of March however par

liament was dissolved; and in the new House of Commons the minister obtained a decided majority. The re-introduction of his India bill could now wait his convenience.

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The new ministry had been aided in the triumph obtained over their opponents, by all the powers of the East India House, who had petitioned against the bills of Mr Fox, had employed every art to excite the public disapprobation, and had exerted themselves at the general election to swell the ministerial majority. The minister owed a grateful return. The Company's sale of teas was a principal source of their income. It had of late been greatly reduced by the powers of smuggling. As high price afforded the encouragement of smuggling, a sufficient reduction would destroy it. Any part of the monopoly profit would not have been a pleasant sacrifice to the Company. The public duties, they thought, were the proper source of reduction, and it pleased the minister to agree with them. On the 21st of June, he moved a series of resolutions, as the foundation for an act, which soon after passed, and is known by the name of the Commutation Act. The duties on tea, about 50 per cent., were reduced to 12½ per cent. It was estimated that a diminution would thence arise of 600,000*l.* in the public revenue. Under the style and title of a commutation, an additional window tax, calculated at an equal produce, was imposed.

To relieve their pecuniary distress, the Company, as we have seen, had applied to parliament for leave to borrow 500,000*l.*, and for a further aid, afterwards, of 300,000*l.* in exchequer bills. They had also prayed for a remission of the duties which they owed to the public, to the amount of nearly a million. They were bound not to accept, without con-

BOOK V sent of the Lords of the Treasury, bills drawn on
 CHAP 9 them from India, beyond the annual amount of
 1784 300,000*l*. Bills however had arrived from Bengal to
 the amount of nearly one million and a half beyond
 that amount. For these distresses some provision
 had been made before the dissolution of the preceding
 parliament. The minister now introduced a bill, to
 afford a further relief in regard to the payment of
 duties, and to enable them to accept bills beyond the
 limits which former acts of the legislature had pre-
 scribed.

In other pecuniary adventures, the receipts upon
 the capital embarked are in proportion to the
 gains. If profit has been made profit is divided.
 If no profit, no division. Instead of profit, the East
 India Company had incurred expense to the amount
 of an enormous debt. It was proposed that they
 should still have a dividend though they were to
 borrow the money which they were to divide, or to
 obtain it, extracted in the name of taxes, out of the
 pockets of their countrymen. A bill was passed
 which authorized a dividend of eight per cent. In
 defence of the measure it was urged, that unless the
 dividend was upheld, price of India stock would fall.
 But why should the price of India stock more than
 the price of any thing else, be upheld by taxing the
 people? It was also urged that not the fault of the
 Company, but the pressure arising from the warlike
 state of the nation, produced their pecuniary distress.
 If that was a reason, why was not a similar relief
 awarded to every man that suffered from that cause?
 The arguments are without foundation but from
 that time to this they have supported an annual tax
 upon the English people, for the convenience of
 the parties on whom the government of India depends.

At last, Mr Pitt's bill for the better government

of the affairs of the East India Company, was again introduced; and, being now supported by a com-
petent majority, was passed into an act, on the 13th
of August, 1784. With some modification, it was
the same with the bill which the former House of
Commons had rejected.

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The Courts of Directors and Proprietors remained, in form, the same as before. The grand innovation consisted, in the erection of what was called a Board of Control. This, together with, 1. The creation of a Secret Committee of Directors; 2 A great diminution in the powers of the Court of Proprietors; 3 A provision for a disclosure of the amount of the fortunes brought home by individuals who had been placed in offices of trust in India; 4 The institution of a new tribunal for the trial and punishment of the offences liable to be committed in India, constituted the distinctive features of this legislative exertion; and are the chief particulars, the nature of which it is incumbent upon the historian to disclose. The other provisions were either of subordinate efficacy, or corresponded with provisions in the bills of other reformers, which have already been reviewed.

I. The Board of Control was composed of six Members of the Privy Council, chosen by the King, of whom the Chancellor of the Exchequer, and one of the principal secretaries of state were to be two, in the absence of whom, the senior of the remaining four was to preside. In point of fact, the whole business has rested with that senior; the other commissioners being seldom called to deliberate, or even for form's sake to assemble. The senior is known by the name of the President of the Board of Control, and is essentially a new Secretary of State; a secretary for the Indian department. Of this pretended Board and real Secretary, the sphere of action extended to

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the whole of the civil and military government, exercised by the Company but not to their commercial transactions. Its duties, very ill defined, or rather not defined at all, were adumbrated, in the following vague and uncertain terms "From time to time, to check, superintend, and control, all acts, operations, and concerns, which in any wise relate to the civil or military government, or revenues, of the territories and possessions of the said United Company in the East Indies." All correspondence, relative to the government, was to be communicated to the Board, including all letters from India, as soon as received, and all letters, orders, or instructions intended for India, before they were sent. The Board was also to be furnished with copies of all proceedings of the Courts of Directors and Proprietors and to have access to the Company's papers and records. By one clause it was rendered imperative on the Court of Directors to yield obedience to every command of the Board, and to send out all orders and instructions to India altered and amended at the pleasure of the Board. On the second introduction of the bill, when a sure majority made the minister bold a power was added by which in cases of secrecy, and cases of urgency, cases of which the Board itself was to be the judge the Board of Control might frame and transmit orders to India without the inspection of the Directors. It was only in the case of a doubt whether the orders of the Board of Control related or did not relate to things within the sphere of the civil and military government that the Directors were allowed an appeal. Such a doubt they were to refer to the King in Council. An appeal from the King's Council to the King in Council was an appeal from men to themselves.

Of two bodies when one has the right of unlimited

command, and the other is constrained to unlimited obedience, the latter has no power whatsoever, but just as much, or as little, as the former is pleased to allow. This is the relative position of the Board of Control, and the East India Company. The powers of the Board of Control convert the Company's Courts into agents of its will. The real, the sole governing power of India is the Board of Control, and it only makes use of the Court of Directors as an instrument, as a subordinate office, for the management of details, and the preparation of business for the cognizance of the superior power.

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The real nature of the machine cannot be disputed, though hitherto its movements have been generally smooth, and the power is considerable which appears to remain in the hands of the Directors. The reasons are clear. Whenever there is not a strong motive to interfere with business of detail, there is always a strong motive to let it alone. There never yet has been any great motive to the Board of Control to interfere; and of consequence it has given itself little trouble about the business of detail, which has proceeded with little harm, and as little benefit, from the existence of that Board. So long as the Court of Directors remain perfectly subservient, the superior has nothing further to desire. Of the power which the Directors retain much is inseparable from the management of detail.

The grand question relates to the effects upon the government of India, arising from an authority like the Board of Control, acting through such a subordinate and ministerial instrument as the Court of Directors.

It is evident, that, so far as the Directors are left to themselves, and the Board of Control abstain from the trouble of management, the government of India

BOOK V is left to the imperfections, whatever they were, of
 CHAP 9 the previous condemned system, as if no Board of
 1784 Control were in existence. In that part of the business,

in which the Board takes a real share, it is still to be inquired what chance exists, that better conduct will proceed from the Board of Control than would have proceeded from the Court of Directors? 1

Good conduct in public men arises from three causes from knowledge or talent from the presence of motives to do good and the absence of motives to do evil.

I Few men will contend that the lord, or other person, whose power, or powerful kinsman may recommend him for President of the Board of Control, is more likely to possess knowledge or talent, than the Court of Directors. That which the practical state of the British constitution renders the presiding principle in directing the choice of men for offices wherein much either of money or power is to be enjoyed, affords a much greater chance for ignorance than knowledge : Of all the men who receive education, the men who have the most of parliamentary influence are the least likely to have any unusual portion of talent and as for appropriate knowledge, or an acquaintance in particular with *Indian affairs* it cannot be expected that the Board of Control should ever, except by a temporary and rare contingency be fit to be compared with the Court of Directors besides, it would have been easy by leaving open the direction to men of all descriptions, and by other simple expedients, to increase exceedingly the chance for talent in the Court of Directors

II If the Board of Control then is more likely than the Court of Directors to govern India well the advantage must arise from its situation in regard to motives motives of two sorts motives to appli

eration; and motives to probity. Both the Board of Control, and the Court of Directors, are destitute of these motives to a high degree, and it is a matter of some nicety to make it appear on which side the deficiency is most extraordinary.

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Motives to application, on the part of the Board of Control, can be discovered none. And application, accordingly, such as deserves the name, a careful pursuit of knowledge, with incessant meditation of the ends and the means, the Board has not even thought of bestowing. If Mr. Dundas be quoted as an objection, it is only necessary to explain the circumstances of the case. The mind of Mr. Dundas was active and meddling, and he was careful to exhibit the appearance of a great share in the government of India; but what was it, as President of the Board of Control, that he ever did? He presented, as any body might have presented, the Company's annual budget, and he engrossed an extraordinary share of their patronage. But I know not any advice which he ever gave, for the government of India, that was not either very obvious, or wrong.

The institution of the Board of Control, as it gave no motives to application in the members of that Board, so it lessened prodigiously the motives to application in the Court of Directors. Before the existence of the Board of Control, the undivided reputation of good measures, the undivided ignominy of bad, redounded to the Court of Directors. The great sanction of public opinion acted upon them with undivided energy. Men are most highly stimulated to undergo the pains of labour, when they are most sure of reaping the fruits of labour; most surely discouraged from labour, when they are least sure of reaping its advantages; but, in taking pains

to understand the grounds of action, and laboriously to frame measures adapted to them, the Court of Directors, before their subjugation to the Board of Control, were sure of reaping the fruits of their labours in the execution of their schemes. What motive, on the other hand, to the laborious consideration of measures of government, remained, when all the fruits of knowledge and of wisdom might be rejected by the mere caprice of the President of the Board of Control?

Such is the sort of improvement, a retrograde improvement, in respect to knowledge or talent, and in respect to application which the expedient of a Board of Control introduced into the government of India.

It only remains that we examine it in relation to probity and inquire, whether the men who compose it are subject to the action of stronger or weaker motives, to the exercise of official probity, than the Court of Directors.

There are two sorts of motives, on which, in regard to probity, the conduct of every man depends. by the one he is attracted to virtue by the other repelled from it

In regard to attracting motives, very little is provided to operate either upon the Board of Control, or the Court of Directors. The sanction of public opinion the credit of good, and the discredit of bad conduct, is one source and it does not appear that there is any other. In the first place, it ought to be remembered, as a law of human nature that the influence of this sanction is weakened or more truly annihilated to any important purpose, by division. Whatever might have been its force, upon either the Board of Control or the Court of Directors, acting

alone, it is infinitely diminished when they act both together, and, by sharing, go far to destroy responsibility.

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For the salutary influence of public opinion, both the Board of Control, and the Court of Directors, are unfavourably situated; but it will probably, without much dispute, be allowed, that the Court of Directors is the least unfavourably situated. So long as they acted by themselves, the Court of Directors were exposed, without shelter, to the public eye. The President of the Board of Control is the mere creature of the minister, existing by his will, confounded with the other instruments of his administration, sheltered by his power, and but little regarded as the proper object either of independent praise, or of independent blame.

With regard to motives repelling from probity, in other words, the temptations to improbity, to which the Board of Control, and the Court of Directors are respectively exposed, the following propositions are susceptible of proof. That almost all the motives of the deleterious sort, to which the Court of Directors stand exposed, are either the same, or correspond, with those to which the Board of Control is exposed. That those to which the Court of Directors are exposed, and the Board of Control is not exposed, are of inconsiderable strength. That those to which the Board of Control is exposed, and the Court of Directors are not exposed, are of great and uncommon strength: And that by the conjunct action of the two bodies, the deleterious motives of the one do not destroy those of the other, but combine with them, and increase the power of the whole.

It is to be observed, that neither the Board of Control, nor the Court of Directors have any *direct* interest in the misgovernment of India. Their am-

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bition is not gratified by the unnecessary wars, nor their pockets filled by the oppressions and prodigalities of the Indian rulers. In as far as the Directors are proprietors of India stock, and in as far as good government has a tendency to increase the surplus produce of India, and hence the dividend upon stock, the Court of Directors have an interest in the good government of India. The Board of Control, as such, has necessarily no such interest. In this respect, therefore, it is inferior to the Court of Directors.

If exempt from motives of the *direct* kind, to the misgovernment of India, it remains to inquire what are the motives of the *indirect* kind, to the action of which the Board of Control, and the Court of Directors, are severally and respectively exposed.

In the first place, we recognize the love of ease an incessant force and for that reason of the most potent agency in human affairs. Bating the cases in which the result depends not upon the general qualities of the species, but the accidental ones of the individual, this is a motive which it is not easy to find other motives sufficient to oppose which, in general therefore prevails and over rules. This is a motive, to the counteraction of which, there is scarcely any thing provided in the case either of the Board of Control or of the Court of Directors. To a great extent therefore, it is sure to govern them. Provided things go on in the beaten track without any unusual stoppage or disturbance, things will very much be left to themselves.

Little however as is the application to business, which can rationally be expected from the Court of Directors, still less can be looked for on the part of the Board of Control where either hereditary idleness and inefficiency will preside or the mind of the President will be engrossed by those pursuits and

struggles on which the power of the ministry, or the consequence of the individual, more immediately depends. The consequence is certain ; whenever aversion to the pain and constraint of labour governs the superintendant, the interest of the subordinates, in every branch, is naturally pursued at the expense of the service, or of the ends which it is the intention of the service to fulfil.

Beside the love of ease, which every where is one of the chief causes of misgovernment ; the motives to the abuse of patronage, and to a connivance at delinquency in India, seem almost the only deleterious motives, to the operation of which either the Board of Control, or the Court of Directors, are exposed.

In regard to patronage, the conduct of the Court of Directors will be found to exhibit a degree of excellence which other governments have rarely attained. In sending out the youths who are destined for the different departments of the service, the Directors have been guided, no doubt, by motives of affection and convenience ; but all youths go out to the lowest stations in their respective departments, and can ascend only by degrees. The rule of promotion by seniority has sometimes been too rigidly observed ; seldom, comparatively, violated by favouritism. The Directors, who send out their relatives and connexions, have very often retired from the direction, before the youths whom they have patronized are of sufficient age, or standing in the service, to occupy the stations in which the power of producing the greater evils is enjoyed.

But, as the constitution of the Court of Directors has prevented any considerable abuse of patronage ; so the situation of the British minister, depending as he does upon parliamentary interest, creates, it may without much fear of contradiction be affirmed, a

BOOK 1 stronger motive to the abuse of patronage, than,
 CHAP 9 under any other form of government was ever found
 1784 to exist. In this respect, good government is far less
 exposed to violation from an institution, such as that
 of the Court of Directors, than an institution such as
 that of the Board of Control.¹

To connivance at delinquency in India, the Directors may be supposed to be led by three sorts of motives

1 Inasmuch as they may have been delinquents themselves,

2. Inasmuch as they may send out sons and other relatives, who may profit by delinquency

3 Inasmuch as delinquents may be proprietors of India stock and hence exert an influence on the minds of Directors.

1 The motive to connive at any delinquency, in which a man is to have no profit, because he himself has formerly been delinquent in a similar way, must be regarded as a feeble, if any motive at all. Experience proves it. Clive was not less violent against the undue emoluments of the Company's servants, because he had drawn them so copiously himself if the Court of Directors be inferior in this respect to the Board of Control, it must be allowed to be an inferiority easily compensated by other advantages Besides, if a man must be supposed to sympathise

¹ "With respect to the abuse of patronage" said Mr Windham, in his famous speech (May 26, 1809) on Mr Curwen's Reform Bill "one of those by which the interests of countries will in reality most suffer I perfectly agree that it is likewise one of which the government properly so called that is to say persons in the highest offices, are as likely to be guilty and from their opportunities more likely to be guilty than any others. Nothing can exceed the greediness the selfishness, the insatiable voracity, the profligate disregard of all claims from merit or services that we often see in persons in high official stations." Parliamentary Debates vol 730 for publication in which the speech was written and prepared by the author

with delinquency, because he has been a delinquent himself, the disposition is pretty nearly the same which leads to delinquency in India and in England; and hence a danger fully as great, of finding this kind of sympathy at the Board of Control, as in the Court of Directors

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2. The Directors may send out sons and nephews. So may the Secretary of State for the India department, the President of the Board of Control.

3. East India delinquents may operate on the minds of Directors through influence in the Court of Proprietors East India delinquents may also operate on the minds of ministers through parliamentary influence. And the latter operation, it is believed, will certainly appear to be, out of all comparison, the stronger, and more dangerous operation of the two.

In point of fact, the influence exerted upon the Directors through the Court of Proprietors has never been great. The Court of Directors have habitually governed the Court of Proprietors; not the Court of Proprietors, the Court of Directors The Company's servants returned from India have not been remarkable for holding many votes in the General Court.

The powerful operation of ministerial support extends to every man in India, whose friends have a parliamentary interest in England. The men who have the greatest power of doing mischief in India, are the men in the highest stations of the government. These are sure to be generally appointed from views of ministerial interest And the whole force of the motives, whatever they are, which operate to their appointment, must operate likewise to connivance at their faults.

In every one of the circumstances, therefore, upon which good government depends, the Board of Control, when examined, is found to be still more de-

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fective, as an instrument of government, than the Court of Directors, the incompetency of which to the right government of India, had been so loudly and so universally proclaimed.

What will be said in its favour is this That the Board of Control, and the Court of Directors check each other To this end we must of necessity suppose, that where the Court of Directors may have an interest in misgovernment, the Board of Control will have no such interest, and in that case will not allow the Court of Directors to pursue their interest that, in like manner, where the Board of Control may have an interest in misgovernment, the Court of Directors will have no such interest, and in that case will not allow the Board of Control to pursue their interest.

According to this supposed mode of operation, the interests of all the governing parties are defeated. The theory unhappily forgets that there is another mode of operation, in which their interests may be secured This is the mode, accordingly, which stands the best chance of being preferred It is a very obvious mode, the one party having leave to provide for itself, on condition that it extend to the other a similar indulgence The motives to misgovernment, under this plan, are increased by aggregation, not diminished by counteraction Such are the greater part of the pretended checks upon misgovernment, which have ever been established in the world and to this general law, the Board of Control and Court of Directors do not, certainly form an exception

There is still another circumstance and one to which the greatest importance will doubtless be attached So long as the government of India was independent of the minister, he had no interest in

resort to the value of 1000 rupees, but under appeal to the Court of Sudder Duanee Adaulut at Calcutta, in all cases which exceeded that amount. Even this scheme was declared to be only intermediate, and preparatory to an ultimate measure, according to which, while the local management, except in those districts which might be let entire to the Zemindars or responsible farmers, should be performed by a duan, or amil, a committee of revenue, sitting at the Presidency, should form a grand revenue office, and superintend the whole collections of the country.¹ Such were the alterations adopted in 1773.

At an early period, under the five years' settlement, it was perceived, that the farmers of the revenue had contracted for more than they were able to pay. The collections fell short of the engagements even for the first year, and the farms had been let upon a progressive rent. The Governor-General was now accused by his colleagues of having deceived his honourable masters by holding up to their hopes a revenue which could not be obtained. He defended himself by a plea which had, it cannot be denied, considerable weight. It was natural to suppose, that the natives were acquainted with the value of the lands, and other sources of the revenue; and that a regard to their own interests would prevent them from engaging for more than those sources would afford. It was contended with no less justice on the other side, that there was a class of persons who had nothing to lose; to whom the handling of the revenues, and power over those who paid them, though for a single year, was an object of desire, and whom, as they had no intention to pay what they promised, the extent of the promise could not restrain.

¹ Sixth Report of the Select Committee, 1781, Appendix, No. 1

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 1775.

The failure of exaggerated hopes was not the only evil whereof the farm by auction was accused. The Zemindars through whose agency the revenues of the districts had formerly been realized, and whose office and authority had generally grown into hereditary possessions, comprising both an estate and a magistracy or even a species of sovereignty, when the territory and jurisdiction were large were either thrown out of their possessions or, from an ambition to hold the situation which had given opulence and rank to their families, perhaps for generations, they bid for the taxes more than the taxes could enable them to pay and reduced themselves by the bargain to poverty and ruin. When the revenues were farmed to the Zemindars, these contractors were induced to turn upon the ryots, and others from whom their collections were levied, the same rack which was applied to themselves. When they were farmed to the new adventurer who looked only to a temporary profit and who had no interest in the permanent prosperity of a people with whom he had no permanent connexion, every species of exaction to which no punishment was attached, or of which the punishment could by artifice be evaded, was to him a fountain of gain.

After several acrimonious debates the Governor-general proposed that the separate opinions of the Members of the Council on the most eligible plan for levying the taxes of the country, should be sent to the Court of Directors. And on the 28th of March 1775 a draught, signed by him and Mr Barwell was prepared for transmission. The leading principle of this proposal was that the several districts should be farmed on leases for life, or for two joint lives, allowing a preference to the Zemindar as often as his offer was not greatly inferior either to that of other candidates.

or the real value of the taxes to be let. The plan of the other Members of the Council was not yet prepared. They contented themselves with some severe reflections upon the imperfections of the existing system, an exaggerated representation of the evils which it was calculated to produce,¹ and an expression of the greatest astonishment at the inconsistency of the Governor-General, in praising and defending that system, while he yet recommended another, by which it would be wholly suppressed.

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1776.

On the 22d of January, 1776, Mr. Francis entered a voluminous minute, in which he took occasion to record at length his opinions respecting the ancient government of the country, and the means of ensuring its future prosperity. Of the measures which he recommended, a plan for realizing the revenue constituted the greatest and most remarkable portion. Without much concern about the production of proof, he assumed as a basis two things; first, that the opinion was erroneous, which ascribed to the Sovereign the property of the land; and secondly, that the property in question belonged to the Zemindars. Upon the Zemindars, as proprietors, he accordingly proposed that a certain land-tax should be levied; that it should be fixed once for all, and held as perpetual and invariable.

This was the principle and essence of his plan, and the reasonings by which he supported it were the common reasonings which prove the benefit of certainty in levying contributions for the use of the state. But Mr Francis misapplied a common term. By certainty, in matters of taxation, is not meant se-

¹ "In the course of three years more, we think it much to be apprehended, that the continued operation of this system will have reduced the country in general to such a state of ruin and decay, as no future alteration will be sufficient to retrieve" Extract of a Minute from General Clavering, Col. Monson, and Mr. Francis, March 21, 1775

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curity for ever against increase of taxation Taxes may be in the highest degree certain, and yet liable to be increased at the will of the legislature For certainly it is enough, that under any existing enactment of the legislature the sum which every man has to pay should depend upon definite, cognoscible circumstances The window tax for example, is a certain tax, though it may be increased or diminished not only at the pleasure of the legislature but by altering the number of his windows at the pleasure of the individual who pays it By the common reasonings to prove the advantages of certainty in taxes, Mr Francis therefore proved nothing at all against the power of increasing them The sacred duty of keeping taxation in general within the narrowest possible limits rests upon equally strong, but very different grounds

Into the subordinate arrangements of the scheme it belongs not to the present purpose to enter It is only necessary to state, that Mr Francis proposed to protect the ryots from the arbitrary exactions of the Zemindars, by prescribed forms of leases, in India known by the name of pottahs that he condemned the provincial councils, and recommended local supervisors to superintend for a time the executive as well as judicial business of the collections a business which by the arrangements made with the Zemindars and the ryots he trusted would in a great measure soon perform itself On opium and salt, of which the monopoly had generally been disposed of by contract he proposed that government should content itself with a duty and terminate a large amount of existing oppressions by giving freedom to the trade¹

¹ Report ut supra, and Appendix No 14 and 15 see also a publication entitled Original Minutes of the Governor General and Council

That the regulations which had been adopted for the administration of justice among the natives were extremely defective, all parties admitted and complained That robbery and other crimes so greatly prevailed, was owing, in the opinion of Mr. Francis, to the reduction of the authority of the Zemindars. These officers had formerly exercised a penal control, which Mr Francis maintained was fully judicial; which had reference, as Mr. Hastings affirmed, to nothing but police. As a cure for the existing disorders, Mr Francis recommended the restoration of their ancient powers to the Zemindars, who, in the case of robbery and theft, were obliged, under the ancient government, to make compensation to the party wronged; and in the case of murders and riots, were liable to severe mulcts at the hand of government Mr. Hastings, who judged more wisely what effects zemindary jurisdiction had produced, or was likely to produce, treated this as a remedy which was far from adequate to the disease In conjunction with Sir Elijah Impey, he formed the draught of a bill for an act of parliament, on the subject of the civil judicature of Bengal. It was communicated to the Council on the 29th of May. In this plan of the Chief Governor and Chief Judge, it was proposed, that in each of the seven divisions, into which, including Chittagong, the country had been already distributed, two courts of record should be established; that one should be denominated "The Court of Provincial Council;" that it should in each instance consist of a President and three Councillors, chosen by the Governor-General and Council, among the senior

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of Fort William, by Philip Francis, Esq For the meaning of the terms Zemindar and Ryot, see 1 271, and for the interest which the Zemindar had in the land, see the considerations adduced on the introduction of the zemindary system during the administration of Lord Cornwallis

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servants of the Company and have summary jurisdiction in all pecuniary suits which regarded the Company, either directly, or through the medium of any person indebted to them or employed in their service that the other of these courts should be called the Adaulut Dewanny Zillajaut should consist of one judge, chosen, for his knowledge in the language and constitutions of the country, by the Governor and Council, from among the senior servants of the Company and should have jurisdiction in cases of trespass or damage, rents, debts, and in general of all pleas real, personal, or mixed, belonging to parties different from those included in the jurisdiction of the Courts of Provincial Council. In this draught no provision was made for the criminal branch of judicature among the natives, which had been remitted to the nominal government of the Nabob, and exercised under the superintendence of Mahomed Reza Khan¹

Early in November, 1776, Colonel Monson died and as there remained in the Council after that event, only the Governor General and Mr Barwell on the one part, with General Clavering and Mr Francis on the other, the casting vote of the Governor General turned the balance on his side, and restored to him the direction of government.

✓ In the consultation of the 1st of November he had entered a minute in which he proposed, as a foundation for new modelling the plan of collection, that an investigation should be instituted for ascertaining the actual state of the sources of revenue, particularly of that great and principal source the lands. As the mode of letting by auction which had produced in

¹ See Francis's Minute *ut supra* and the Draught of Hastings's Bill Report, *ut supra* Appendix No. 13

convenience, was meant to be discontinued, and the mode of letting by valuation to be adopted in its stead, the Governor-General was of opinion, that as accurate a knowledge as possible of the subject of valuation ought first to be obtained. He proposed that this inquiry should be assigned as an exclusive duty to particular agents; that two covenanted servants of the Company should be chosen, with an adequate appointment of native officers; and that their business should be to collect the accounts of the Zemindars, the farmers, and ryots, to obtain such information as the Provincial Councils could impart; to depute, when expedient, native officers, into the districts for the purpose of inquiry; and to arrange and digest the accumulated materials. The use of this knowledge would be to assess the lands in proportion to their value, and to protect the ryots, by equitable agreements, or pottahs, imposed upon the Zemindars. The Governor-General finally proposed, for the sake as he said of dispatch, that all orders issued from the office, in execution of such measures as had received the sanction of the Board, should be written in his name; and that the control of the office should be confided to his care.

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As every proposal made by the Governor-General was an object of attack to the opposite side of the Board, this measure introduced as usual a long train of debate and altercation. Mr. Francis objected, 1. That the inquiry proposed was altogether useless; as a rate of impost, extracting from the lands their utmost value, would be cruel to the people, and ruinous to the state, while, under a moderate assessment, disproportion between the rate and the value was worthy of little regard, 2. That if an accurate valuation were useful, it ought to have been obtained through the Committee of Circuit, by whom the

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lands were let at auction, for the professed purpose of ascertaining their highest value 3 That the inquiry would be unavailing because the Zemindars farmers, and ryots would not give true accounts 4 That if real accounts were capable of being obtained, they would be so voluminous, intricate, and defective, as to preclude the possibility of drawing from them any accurate conclusion 5 That a valuation of land if accurately obtained, is only true for one particular year, not for any future one and 6 That with regard to the ryots, while the proposed pottalis were ill-calculated to afford them protection, the interest of the Zemindars, if their lands were restored under a moderate and invariable tax would yield the best security to the husbandman from whose exertions the value of the land arose A furious minute was entered by General Clavering in which he arraigned the measure as an attempt to wrest from the Council ' the ordering management, and government of the territorial acquisitions," and as an illegal usurpation of the powers that were vested exclusively in the Board This accusation was founded upon the proposal about the letters and the control of the office And it is remarkable, that, knowing the jealousy with which any proposal of a new power to himself would be viewed by the hostile party and the imputations to which it would give birth the Governor General should have embarrassed his scheme with a condition invidious and not essential to its execution That the objections were frivolous or invalid it is easy to perceive Though the inequalities of some taxes redress themselves in time it is a mischievous notion that inequality in the imposing of taxes is not an evil Every inequality in the case of a new imposition is an act of oppression and injustice And Hastings shewed that in the case of India where the land

holder paid nine-tenths of the produce of the land to government, inequality might produce the most cruel oppression. If the Committee of Circuit had fallen short of procuring an accurate knowledge of the sources of the revenue, that could be no reason why better information should not be obtained. Though it was acknowledged, that inquiry would be difficult, and its results defective, it is never to be admitted that, where perfect knowledge cannot be obtained, knowledge, though imperfect, is of no advantage. If it were allowed, as it was not, that the interest of the Zemindars would have been such, upon the plan of Mr. Francis, as Mr. Francis supposed, it is not true that men will be governed by their real interests, where it is certain that they are incapable of understanding those interests; where those interests are distant and speak only to the judgment, while they are opposed by others that operate immediately upon the passions and the senses. As the Governor-General had not proposed that letters from the office issued in his name should relate to any thing but services which had received the sanction of the Council, he insisted that they no more implied an usurpation of the powers of the Council than the letters written in his own name, in the discharge of his function, by any officer who was vested with a trust. The pernicious purposes to which it was in vague and general terms affirmed that such a power might be converted, it is not easy to understand. And the odium which it was attempted to cast upon the inquiry, by representing it as a preparation for exacting the utmost possible revenue from the lands, and dispossessing the Zemindars, Hastings' answered, and sufficiently, by a solemn declaration, that no such intention was entertained.

By the ascendancy, now restored to the Governor-

BOOK V General, the office was established Orders were
 Chap 5 transmitted to the Provincial Councils and native
 1777 officers, called aumeens, were sent to collect accounts,
 and to obtain information in the districts. The first
 incidents which occurred were complaints against
 those aumeens, for injurious treatment of the inha-
 bitants and the opposing party were careful to
 place these accusations in the strongest possible light.
 From the aumeens, on the other hand, accounts ar-
 rived of frequent refusal on the part of the Ze-
 mindarry agents, and others to afford information
 or even to show their accounts

The five years leases expired in April 1777 and
 the month of July of that year had arrived before any
 plan for the current and future years had yet been
 determined By acknowledgement of all parties, the
 country had been so grievously over taxed, as to have
 been altogether unable to carry up its payments to
 the level of the taxation According to the state-
 ment of the Accountant General dated the 12th of
 July 1777, the remissions upon the five years' leases
 amounted to 118 lacs 79,576 rupees and the balances,
 of which the greater part were wholly irrecoverable
 amounted to 129 lacs 26 910 rupees. In his minute,
 on the office of inquiry, Mr Barwell expressly de-
 clared that the "impoverished state of the country
 loudly pleaded for a reduction of the revenue as ab-
 solutely requisite for its future welfare"¹ In the mean
 time despatches arrived by which it was declared,
 that the Court of Directors, after considering the
 plans, both that of the Governor General for letting

¹ Mr Shore (Lord Teignmouth) said in his valuable Minute on the
 Revenues of Bengal dated June 1780 printed in the Appendix, No 1,
 to the Fifth Report of the Committee on India Affairs in 1810, that "the
 settlement of 1770 before the expiration of the leases existed he be-
 lieved no where upon its original terms"

the lands on leases for lives, and that of Mr. Francis BOOK V.
CHAP. 3. for establishing a fixed, invariable rent, “did, for 1777. many weighty reasons, think it not then adviseable to adopt either of those modes,” but directed that the lands should be let for one year on the most advantageous terms; that the way of auction, however, should no more be used; that a preference should always be given to natives resident on the spot; and that no European, or the banyan of any European, should have any share in farming the revenues. On the 15th of July it was determined that the following plan should be adopted for the year; that the lands should be offered to the old Zemindars on the rent-roll or assessment of the last year, or upon a new estimate formed by the Provincial Council; that for such lands as should not in this manner find a renter, the Provincial Councils should receive sealed proposals by advertisement; that the salt farms should be let upon sealed proposals, a preference being given to the Zemindar or farmer of the lands on which the salt was made; that security should not be asked of the Zemindars, but a part of their lands be sold to discharge their balances. Mr. Francis objected to the rent-roll of last year as too high; and Mr. Hastings admitted the justice of the observation with regard to a part of the lands, where abatement would be required, but thought it good, in the first instance, to try in how many cases the high rent, for which persons were found to engage, would be regarded as not more than the taxes would enable them to pay. Instead of sealed proposals, which he justly denominated a virtual auction, Mr Francis recommended a settlement by the Provincial Councils. And he wished the manufacture of salt to be left to the holder or renter of the lands where it was made, the government requiring nothing but a duty. With

BOOK V these proposals the Governor General signified no dis-
 CHAP 3 position to comply but, after fresh commands from
 1777 England, the average of the collections of the three
 preceding years was made the basis of the new en-
 gagements.

In their letter of the 4th of July, 1777, the Di-
 rectors made the following severe reflections on the
 institution of the Office of inquiry, and the separate
 authority which the Governor General had taken to
 himself "Our surprise and concern were great on
 finding by our Governor-General's minute of 1st No-
 vember 1776 that after more than seven years in-
 vestigation information is still so incomplete, as to
 render another innovation still more extraordinary
 than any of the former, absolutely necessary in order
 to the formation of a new settlement. In 1769, su-
 pervisors were appointed professedly to investigate
 the subject. In 1770 controlling councils of revenue
 were instituted. In 1772, the office of Naib Duari
 was abolished, natives were discarded and a Com-
 mittee of Circuit formed who, we were told pre-
 cisely and distinctly ascertained what was necessary
 to be known. And now, in 1777, two junior ser-
 vants, with the assistance of a few natives, are em-
 ployed to collect and digest materials, which have
 already undergone the collection inspection and re-
 vision, of so many of our servants of all denomina-
 tions.—We should have hoped that when you knew
 our sentiments respecting the conduct of our late ad-
 ministration in delegating separate powers to their
 President, it would have been sufficient to prevent us
 further trouble on such occasions but, to our con-
 cern, we find, that no sooner was our Council re-
 duced by the death of Colonel Monson to a number
 which rendered the President's casting vote of con-
 sequence to him, than he exercised it to invest him

self with an improper degree of power in the business of the revenue, which he could never have expected from other authority."¹

The same mode of settlement was renewed from year to year, till 1781; when a plan destined for permanence was adopted and employed²

When Mr. Hastings was in the deepest depression, under the ascendancy of his opponents, a gentleman, of the name of Maclean, departed for England, and was entrusted with a variety of confidential affairs, as the private agent of the Governor-General. For the measures adopted against the Rohillas, Hastings had been censured by the Courts of both Directors and Proprietors. And the Court of Directors had resolved to address the King for his removal. Upon this severe procedure, a Court of Proprietors was again convened; a majority of whom appeared averse to carry the condemnation to so great an extent, and voted, that the resolution of the Directors should be reconsidered. The business remained in suspense for some months, when Mr Maclean informed the Court of Directors, that he was empowered to tender the resignation of Mr. Hastings. If he resigned, a mere majority of the Proprietors, who appeared to be on his side, could restore him to the service. If he was dismissed, a mere majority would not be sufficient. In the letters by which the authority of Mr Maclean was conveyed, confidential communications upon other subjects were contained. On this account he represented the impossibility of his imparting them openly to the Court, but proposed, if they would appoint a confidential Committee

¹ Sixth Report, ut supra, Appendix, No 11, 12, 13, 14, 15, 16 Minutes of the Governor-General and Council of Fort William, by Philip Francis, Esq

² Fifth Report of the Committee of Indian Affairs, 1812, p 8

BOOK V of Directors, to communicate to them what
 CHAP 3 necessary for their satisfaction The Chair
 1777 puty Chairman, and another Director were
 They reported, that they had seen Mr Hastings
 instructions in his own hand writing, and the
 authority of Mr Macleane, for the proceeding
 was clear and sufficient Mr Vans and Mr
 Stewart, both in the intimate friendship and
 confidence of Mr Hastings, gave evidence and
 reactions, perfectly correspondent to this
 authority, had been given in their presence
 Chairmen alone concurred in the report. The
 Director regarded not the authority as
 improved The directors proceeded upon this
 The resignation was formally accepted An
 successor to Mr Hastings was chosen Mr
 was named, presented to the King for
 libation and accepted. General Clavering,
 Member of the Council, was empowered to
 the chair till Mr Wheeler should arrive. At
 19th of June 1777 intelligence of these
 proceedings was received in Bengal.

A scene of confusion, well calculated to
 the most fatal consequences, ensued Mr
 who now possessed the power of the Council
 to acknowledge the authority of his agent
 declared his resolution not to resign General
 claimed the attributes of supremacy and
 the Members of Council to assemble under
 his auspices Mr Barwell attended upon the
 one and Mr Francis upon that of the other
 two parties, each claiming the supremacy
 were now seen in action one against the other
 appeal to arms appeared, in these circumstances
 only medium of decision and Mr Hastings
 his resolution to stand the result The other

it is probable, felt their influence inferior to his. At any rate they declined the desperate extremity of a civil war; and finally offered to abide the award of the Supreme Court. The judges decided that Mr. Hastings had not vacated his office. This transaction was afterwards made the subject of a charge against him by those who moved for his impeachment, but he accused the Directors of rashness and injustice, in taking such important steps upon evidence which he affirmed would have been held, in a court of justice, insufficient to maintain a decision for the transference of an article of property of the smallest amount ¹

The power recovered by the Governor-General, and thus strenuously retained, was exhibited in other triumphs, of slender importance. One of the first mortifications to which he had been subjected upon the arrival of the hostile councillors, was the recall of his agent, Mr Middleton, from the office of resident with the Nabob of Oude. It was now his time to retort the humiliation; and on the 2d of December, 1776, he moved in Council, "that Mr. Bristow should be recalled from the court of the Nabob of Oude, and that Mr. Middleton be restored to the office of resident." So far from imputing any blame to Mr Bristow, the Governor-General acknowledged, that he had commanded his esteem. As the ground of his proceeding, he stated that Mr. Middleton had been removed from his office without allegation of fault, that he had a greater confidence in Mr Middleton than in Mr. Bristow, and as the responsibility was laid upon him, it was but just that his agents should be chosen by himself. The measure

¹ Ninth Report, Select Committee, 1783, and Appendix, No 107, 108, 109, 112, 113, 114, 115, See also the Charges, No. 9, and the Answer of Mr Hastings.

BOOK V was vehemently opposed by General Clavering and
 CHAP. 3 Mr Francis the usual violence of altercation ensued
 1777 Mr Middleton was appointed, and Mr Bristow
 recalled

The part taken by Mr Joseph Fowke in bringing forward the facts, whence imputations had been drawn upon the Governor General himself, had excited a resentment, which, having formerly appeared only in bitter and contemptuous expressions, was now made manifest in acts. The son of that gentleman, Mr Francis Fowke, had, on the 16th of August, 1775, been appointed by the Council, against the voice of the Governor General, to proceed on a species of embassy to the new dependant of the Company, the Rajah of Benares. On the same day on which the Governor General moved for the recall of Mr Bristow, he moved for that of Mr Francis Fowke, which also, after strong opposition was carried by his own casting vote. Mr Fowke was recalled, and his commission annulled, on the express declaration, that "the purposes thereof had been accomplished." On the 22d of the same month, a letter of the Governor-General and Council was written to the Court of Directors, in which the recall of Mr Fowke was reported, and in which it was stated that the commission with which he had been invested was annulled, because the purposes for which it had been created were "fully accomplished." On the very day after the date of this dispatch the Governor-General moved in Council and whatever he moved was sure of acceptance, that a civil servant of the Company, with an assistant, should be appointed to reside at Benares¹

Upon both of these transactions, the Directors pronounced condemnation. In their general letter to Bengal of the 4th of July, 1777, they say, "Upon

the most careful perusal of your proceedings of the 2d of December, 1776, relative to the recall of Mr. Bristow from the court of the Nabob of Oude, and the appointment of Mr. Nathaniel Middleton to that station, we must declare our strongest disapprobation of the whole of that transaction. And therefore direct, that Mr. Bristow do forthwith return to his station of resident at Oude, from which he has been so improperly removed." And in their letter of the 30th of January, 1778, "You inform us," they said, "in your secret letter of December, 1776, that the purposes for which Mr. Francis Fowke was appointed to proceed to Benares, being fully accomplished, you had annulled his commission, and ordered him to the Presidency. But it appears by your letter of the 6th of January, 1777, that in less than twenty days you thought proper to appoint Mr. Thomas Graham to reside at Benares, and Mr Daniel Octavus Barwell to be his assistant. If it were possible to suppose that a saving to the Company had been your motive for annulling Mr. Fowke's commission, we should have approved your proceedings. But when we find two persons appointed immediately afterwards, with two salaries, to execute an office which had been filled with reputation by Mr. Fowke alone, we must be of opinion that Mr. Fowke was removed without just cause: and therefore direct that Mr. Francis Fowke be immediately re-instated in his office of resident and post-master at Benares."

On the 20th of July, 1777, the commands of the Court of Directors, with regard to Mr. Fowke, came under the deliberation of the Governor and Council, when Mr. Hastings moved that the execution of these commands should be suspended. A compliance with them, he said, "would be adequate" (meaning equivalent) "to his own resignation of the service, be-

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cause it would inflict such a wound on his authority, as it could not survive." He also alleged that intelligence might daily be expected from England of resolutions which would decide upon his situation in the service and, notwithstanding the opposition of one half of the Council, he decided, by his casting vote, that Mr Towke, in spite of the command of the Directors, should not be replaced.

On the 27th of May, 1779, the Court of Directors write, "We have read with astonishment your formal resolution to suspend the execution of our orders relative to Mr Francis Fowke. Your proceedings at large are now before us. We shall take such measures as appear necessary for preserving the authority of the Court of Directors, and for preventing such instances of direct and wilful disobedience in our servants in time to come. At present we repeat the commands contained in the sixty seventh paragraph of our letter of the 30th January, 1778 and direct that they be carried into immediate execution"¹

The place rendered vacant in the Council, by the death of Colonel Monson had been supplied, by the appointment of Wheler, who commonly voted with Francis, but as General Clavering died in the end of the month of August, 1777, the decisions of the Council were still, by his own casting vote, at the command of the Governor General

Another of the transactions, which, during the ascendancy of his opponents, had most deeply offended the Governor General, was the subversion of his regulations respecting the government and household of the Nabob. As this however, had obtained the sanction of the Court of Directors and the ap-

¹ The original documents respecting these transactions may be found in the Appendix to the Fifth Report of the Select Committee, 1781; and in the Minutes of Evidence on the Trial of Mr Hastings

pointment of Mahomed Reza Khan in particular had met with their specific approbation, some colour for reversing these measures was very much to be desired. The period, at which the Nabob would come of age, was approaching. In the secret consultations on the 23d of July, 1778, the Governor-General desired that a letter from the Nabob Mubarek ul Dowla might be read. In this letter the Nabob stated that he had now, by the favour of God, arrived at that stage of life, his twentieth year, when the laws of his country assigned to him the management of his own affairs, he complained of the severity with which he had been treated by Mahomed Reza Khan; and prayed that he might be relieved from this state of degrading tutelage, and allowed to assume the administration of his own government and affairs.

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Mr. Wheler and Mr. Francis maintained, that it was not competent for the delegated government of India to subvert a regulation of so much importance, which had been directly confirmed by the Court of Directors; and that the requisition of the Nabob should be transmitted to England for the determination of the superior power. Mr. Hastings and Mr. Barwell insisted that justice admitted of no delay. It is remarkable, how these contending parties in India could reverse their pleas, as often as their interests required that different aspects of the same circumstances should be held up to view. In 1775, when the party in opposition to the Governor-General meant to alter the regulations which he had formed, they represented it as their object, "to recover the country government from the state of feebleness and insignificance, to which it was Mr. Hastings's avowed policy to reduce it" The Governor-General, in opposition to these pretences, declared, that "all the arts of policy cannot conceal the power by which

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¹ Minute of the Governor-General on the 7th Dec. 1775, Fifth Report *ut supra*, p. 21 and App No 6

² Secret consultations, 5th March, 1778. Fifth Report p 29 App No 6.(V)

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cause it would inflict such a wound on his authority, as it could not survive." He also alleged that intelligence might daily be expected from England of resolutions which would decide upon his situation in the service and, notwithstanding the opposition of one half of the Council, he decided, by his casting vote, that Mr Fowke, in spite of the command of the Directors, should not be replaced.

On the 27th of May, 1779, the Court of Directors write, "We have read with astonishment your formal resolution to suspend the execution of our orders relative to Mr Francis Fowke. Your proceedings at large are now before us. We shall take such measures as appear necessary for preserving the authority of the Court of Directors, and for preventing such instances of direct and wilful disobedience in our servants in time to come. At present we repeat the commands contained in the sixty seventh paragraph of our letter of the 30th January, 1778 and direct that they be carried into immediate execution"¹

The place rendered vacant in the Council, by the death of Colonel Monson had been supplied, by the appointment of Wheeler, who commonly voted with Francis, but as General Clavering died in the end of the month of August, 1777, the decisions of the Council were still, by his own casting vote, at the command of the Governor General

Another of the transactions, which, during the ascendancy of his opponents, had most deeply offended the Governor General, was the subversion of his regulations respecting the government and household of the Nabob. As this however, had obtained the sanction of the Court of Directors and the ap-

¹ The original documents respecting these transactions may be found in the Appendix to the Fifth Report of the Select Committee, 1781; and in the Minutes of Evidence on the Trial of Mr Hastings

pointment of Mahomed Reza Khan in particular had met with their specific approbation, some colour for reversing these measures was very much to be desired. The period, at which the Nabob would come of age, was approaching. In the secret consultations on the 23d of July, 1778, the Governor-General desired that a letter from the Nabob Mubarek ul Dowla might be read. In this letter the Nabob stated that he had now, by the favour of God, arrived at that stage of life, his twentieth year, when the laws of his country assigned to him the management of his own affairs, he complained of the severity with which he had been treated by Mahomed Reza Khan; and prayed that he might be relieved from this state of degrading tutelage, and allowed to assume the administration of his own government and affairs.

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Mr. Wheler and Mr. Francis maintained, that it was not competent for the delegated government of India to subvert a regulation of so much importance, which had been directly confirmed by the Court of Directors; and that the requisition of the Nabob should be transmitted to England for the determination of the superior power. Mr. Hastings and Mr. Barwell insisted that justice admitted of no delay. It is remarkable, how these contending parties in India could reverse their pleas, as often as their interests required that different aspects of the same circumstances should be held up to view. In 1775, when the party in opposition to the Governor-General meant to alter the regulations which he had formed, they represented it as their object, "to recover the country government from the state of feebleness and insignificance, to which it was Mr. Hastings's avowed policy to reduce it" The Governor-General, in opposition to these pretences, declared, that "all the arts of policy cannot conceal the power by which

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Letters were also brought from the Nabob, which the known wish of the Governor General could not fail to obtain, requesting that his step-mother Munny Begum of whom he had formerly complained, "should take on herself the management of the Nizamut, without the interference of any person whatsoever" ¹ Mahomed Reza Khan was accordingly

told nothing but what he said was known, and acted upon before. They had used the Nabob's name it was true in deference to the commands of the Directors "but I do not," said he, "remember any instance, and I hope none will be found, of our having been so disingenuous as to disclaim our own power, or to affirm that the Nabob was the real sovereign of these provinces." He next proceeds to condemn the fiction of the Nabob's government. "In effect," he says, "I do not hesitate to say that I look upon this state of indecision to have been productive of all the embarrassments which we have experienced with the foreign settlements. It has been productive of great inconveniences: it has prevented us from acting with vigour in our disputes with the Dutch and French. Instead of regretting, with Mr Francis, the occasion which deprives us of so useless and hurtful a disguise I should rather rejoice were it really the case and consider it as a crisis which freed the constitution of our government from one of its greatest defects. And if the commands of our honourable employers, which are expected by the ships of the season, shall leave us uninstructed on this subject, which has been so pointedly referred to them in the letters of the late administration I now declare that I shall construe the omission as a tacit and discretionary reference of the subject to the judgment and determination of this Board and will propose that we do stand forth in the name of the Company as the actual government of these provinces; and assume the exercise of it in every instance without any concealment or participation." *Minutes of Evidence on the Trial of Mr Hastings*, p. 1071—1070. When all these facts are known the vehement zeal which Mr Hastings because it now suited his purpose displayed for the fictitious authority of the Nabob, has a name which every reader will supply.

¹ Of the mode in which such a letter was procured, nobody who knows the relative situation of the parties can entertain a doubt. The judges of the supreme court upon a letter of the same Nabob in July 1775 unanimously gave the following opinion: "The Nabob's age his situation: such that there is no man, either in England or India, will believe he would be induced to write such a letter was it not dictated to him by the agents of those who rule this settlement: or unless he was perfectly convinced it would be agreeable to and coincide with their sentiments. We always have and always shall consider a letter of business from that Nabob, the same as a letter from the Governor-General and

removed; Munny Begum was replaced in her ancient office; subordinate to her, Gourdess was re-instated in that of controller of the household; and a person called Sudder al Hok was appointed to the superintendence of the judicial department. To these several offices, which were all included in the trust of Mahomed Reza Khan, salaries were appropriated, amounting to 18,000 rupees beyond what he had received. The incapacity of Munny Begum, when compared with Mahomed Reza, could admit of no dispute; and the pernicious influence of the eunuchs who governed her delayed not to give Hastings uneasiness. On the 10th of October of the same year (1778), he was obliged to write to the Nabob. "that the affairs both of the Phouzdary and Adaulut were in the greatest confusion imaginable. and that daily robberies and murders were perpetrated throughout the country,—that his dependants and people, actuated by selfish and avaricious views, had by their interference so impeded the business of justice, as to throw the whole country into a state of confusion."

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Meanwhile the report of this transaction was received in England; and the Court of Directors, in their letter of the 4th of February, transmit their sentiments upon it in the following terms "We by no means approve your late proceedings on the application of the Nabob Mubarek ul Dowla for the removal of the Naib Subahdar In regard to the Nabob's desire to take charge of his own affairs, we find it declared by one of your own members, and not contradicted, that the Nabob is, in his own person, utterly incapable of executing any of those offices

"Council" Minutes of Evidence on the Trial, p 1079, and Appendix, p 547 According to this rule, the letter on which Mr Hastings laid his superstructure was a letter from himself to himself

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which were deemed of essential importance to the welfare of the country The Nabob's letters leave us no doubt of the true design of this extraordinary business being, to bring forward Munny Begum, and again to invest her with improper power and influence, notwithstanding our former declaration, that so great a part of the Nabob's allowance had been embezzled or misapplied, under her superintendance. You have requested this inexperienced young man, to permit all the present judges and officers of the Nizamut and Phousdary Adauluts or courts of criminal justice, and also all the Phousdars or officers appointed to guard the peace of the country, to continue in office until *he the Nabob shall have formed a plan for a new arrangement of those offices* And it is with equal surprise and concern, that we observe this request introduced, and the Nabob's ostensible rights so solemnly asserted at *this period* by our Governor General because, on a late occasion, to serve a very different purpose he has not scrupled to declare it as visible as the light of the sun, that the Nabob is a mere pageant, and without even the shadow of authority No circumstance has happened, since that declaration was made, to render the Nabob more independent, nor to give him any additional degree of power or consequence you must therefore have been well apprised that your late concessions to Mubarek ul Dowla were unnecessary, and as such unwarrantable As we deem it for the welfare of the country, that the office of Naib Subahdar be for the present continued and that this high office should be filled by a person of wisdom experience and approved fidelity to the Company and as we have no reason to alter our opinion of Mahomed Reza Khan we positively direct that you forthwith signify to the Nabob Mubarek al Dowla our pleasure that Ma

homed Reza Khan be immediately restored to the office of Naib Subahdar.¹

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The state of the relations between the Company's government and the Mahratta powers had for some time pressed with considerable weight upon the attention of the Council. The treaty which had been concluded by Colonel Upton, commonly distinguished by the title of the treaty of Poorunder, had left the minds of the governing party at Poonah, and those of the Bombay Presidency, in a state of mutual jealousy and dissatisfaction. The occupation of Salsette, and the other concessions which had been extorted, but above all the countenance and protection still afforded to Ragoba, rankled in the minds of the Poonah ministry, while the Bombay rulers, condemned and frustrated by the Supreme Council, but encouraged by the approbation of the Court of Directors, stood upon the watch for any plausible opportunity of evading or infringing the treaty. Colonel Upton, though he remained at Poonah till the commencement of the year 1777, departed before any of the material stipulations had been carried into effect. Futty Sing, as by the treaty it had been rendered his interest, disavowed his right to alienate in favour of the Company any portion of the Guicawar dominions, and the Poonah Council made use of the favour shown to Ragoba, as a pretext for delaying or evading the concessions they had made.

A new feature was soon added to these disputes, by the arrival of a French ship in one of the Mahratta ports, and the reception given at Poonah to some gentlemen whom she landed, as on a mission from

¹ Fifth Report, ut supra, p 24—32, and App No 6, also the charges against Mr Hastings, No 17, with Mr Hastings's answer see also the Evidence both for the Prosecution and Defence in Minutes of Evidence, ut supra.

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the king of France. This circumstance strongly excited the English jealousy and fears. The object at which the French were supposed to aim, was the establishment of a factory at Poonah and the acquisition of a sea port on the coast of Malabar. These advantages would enable them, it was apprehended, to sustain a competition with the English in matters of trade, and to annoy them seriously in a period of war. The asseverations of the Mahratta government, that nothing was in view prejudicial to the interests of the Company gave little satisfaction. Colonel Upton, whose partiality was engaged to the treaty which he had concluded and the party whom he served, accused the Bombay Presidency, and answered for the sincerity and pacific designs of the Mahrattas. Mr Hastings leaned to the suspicious side his opponents urged the propriety of yielding contentment to the Mahrattas, especially by the abandonment of Ragoba. The probability of a rupture between France and England was already contemplated in India and, as it was to be expected that the French would aim at the recovery of their influence in India so Mr Hastings at least, thought that the western coast was the place where they had the best prospect of success and the support of the Mahrattas the means most likely to be adopted for the accomplishment of their ends.

The progress of inquiry respecting the agent from France discovered, that his name was St Lubin, that he was a mere adventurer, who had opened to the French Minister of Marine a project, supported by exaggerated and false representations, for acquiring an influence in the Mahratta councils and an establishment in the Mahratta country, and that he had been entrusted with a sort of clandestine commission, as an experiment, for ascertaining if any footing or

advantage might be gained. The Presidency of BOOK V.
 Bombay represented to the Supreme Council, that CHAP 3
 St. Lubin received the most alarming countenance 1778.
 from the Poonah ministers; that nothing could be
 more dangerous to the Company, than a combined
 attack from the Mahrattas and French. And they
 urged the policy of anticipating the designs of their
 enemies, by espousing the cause of Ragoba; and
 putting an end to the power of men, who waited only
 till their schemes were ripe for execution, to begin
 an attack upon the Company. The Bombay Presi-
 dency were more emboldened in their importunity,
 by a letter from the Court of Directors, containing
 their observations on the conduct of the Supreme
 Council in taking the negotiation with the Mahrattas
 out of the hands of the Bombay government, and on
 the treaty which the Supreme Council had concluded
 with the Poonah rulers. "We approved," said the
 Directors, "under every circumstance, of keeping all
 territories and possessions ceded to the Company by
 Ragoba, and gave directions to the Presidencies of
 Bengal and Fort St. George to adopt such measures
 as might be necessary for their preservation and de-
 fence. But we are extremely concerned to find, from
 the terms of the treaty concluded by Colonel Upton
 at Poonah, that so great a sacrifice has been improvi-
 dently made, and especially, that the important
 cession of Bassein to the Company by Ragoba, has
 been rendered of no effect. We cannot but disap-
 prove of the mode of interference of the Governor-
 General and Council, by sending an ambassador to
 Poonah without first consulting you, and of their
 determination to disavow and invalidate the treaty
 formerly entered into by an agent from your Presi-
 dency, and solemnly ratified under the seal of the
 Company. We are convinced that Bassein, which is

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so great an object with us, might have been obtained if they had authorized you to treat either with Ragoba, or with the ministers at Poonah reserving the final approval and ratification of the treaty to themselves. This is the precise line we wish to have drawn and which we have directed our Governor-General and Council in future to pursue. We are of opinion, that an alliance originally with Ragoba would have been more for the honour and advantage of the Company, and more likely to be lasting, than that concluded at Poonah. His pretensions to the supreme authority appear to us better founded than those of his competitors, and, therefore, if the conditions of the treaty of Poonah have not been strictly fulfilled on the part of the Mahrattas, and if, from any circumstance, our Governor General and Council shall deem it expedient, we have no objection to an alliance with Ragoba, on the terms agreed upon between him and you."

While these circumstances were under the consideration of the Supreme Council at Calcutta, intelligence arrived, that the rivalry of Siccaram Baboo and Nana Furnavese had produced a division in the Council at Poonah that a part of the ministers, with Siccaram Baboo at their head had resolved to declare for Ragoba, had applied for the assistance of the English to place in his hands the powers of government and that the Presidency of Bombay had resolved to co-operate with them in his favour. This subject produced the usual train of debate and contention in the Supreme Council where Mr Francis and Mr Wheler condemned the resolution of the President and Council of Bombay, first, as illegal, because not taken with the approbation of the supreme authority next, as unjust, by infringing the treaty and finally, impolitic, by incurring the dan

gers and burdens of war: The Governor-General and Mr Barwell approved it, as authorized by the suddenness and greatness of the emergency, and the declared sentiments of the Court of Directors; as not unjust, since the principal party with whom the treaty was formed now applied for the interference of the Company; and as not impolitic, because it anticipated the evil designs of a hostile party, and gave to the Company an accession of territorial revenue, while it promised them a permanent influence in the Mahratta councils. It was resolved, in consequence, that a supply of money and a reinforcement of troops should be sent to the Presidency of Bombay. The Governor-General proposed that a force should be assembled at Calpee, and should march by the most practicable route to Bombay. This also gave rise to a warm debate, both on the policy of the plan, and the danger of entrusting a detachment of the Company's army to traverse India through the dominions of princes, whose disposition had not been previously ascertained. It was finally determined, that the force should consist of six battalions of Sepoys, one company of native artillery, and a corps of cavalry, that it should be commanded by Colonel Leslie, and anticipate, by its expedition, the obstruction of the rains. That commander was instructed to take his route through the province of Berar, of which the rulers were friendly; to obtain, where possible, the consent of the princes or chiefs, through whose territories he might have occasion to pass; but even when refused, to pursue his march, to be careful in preventing injury to the country or inhabitants, to allow his course to be retarded by the pursuit of no extraneous object; and to consider himself under the command of the Bombay Presidency from the commencement of his march. That Presidency

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were at the same time instructed to use their utmost endeavours to defeat the machinations of the French, to insist upon the execution of the treaty to take advantage of every change of circumstances for obtaining beneficial concessions to the Company and, if they observed any violation of the treaty or any refusal to fulfil its terms, to form a new alliance with Ragoba, and concert with him the best expedient for retrieving his affairs

In the mean time another change had taken place in the fluctuating administration at Poonah. The party of Siccaram Baboo had prevailed over that of Nana Furnavese without the co-operation of Ragoba and it was immediately apprehended at Bombày, that they would no longer desire or admit as an associate, a party who would supersede themselves. The arguments, urged, upon this change, by Mr Francis and Mr Wheeler, did not succeed in stopping the march of the troops because the unsettled state of the government of Poonah, and the machinations of the French rendered it highly expedient, in the opinion of the Governor General, that the Presidency of Bombay should be furnished with sufficient power, both to guard against dangerous and to take advantage of favourable, circumstances and events

The detachment experienced some slight obstruction at the commencement of its march, from some of the petty Mahratta chiefs upon which, as indicating danger if it proceeded any further, Mr Francis renewed his importunities for its recall. Mr Hastings opposed his arguments, on the ground that after a few days march the troops would arrive in Bundelcund which was independent of the Mahrattas would thence pass into the territories of the Rajah of Berar in which they would be received with friendship, that on quitting the territories of the Rajah,

the three courts of common law; and ten members from the houses of parliament. The subservience of the judges of the common law courts to the minister, or to the master of the minister, is the doctrine of one of the most remarkable parts of the British constitution; the trial by jury. If it were not for the wrong bias to which the judges of England are liable, and all biases are trifling compared with the bias towards the Court, the institution of a jury would not only be useless, but hurtful. And if this be the doctrine of the constitution, there is assuredly none of its doctrines, which an experience more full and complete, an experience more nearly unvarying, can be adduced to confirm.

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Such is the state of the case, in as far as regards that part of the proposed tribunal, consisting of the ordinary judges. With regard to that part which consisted of members chosen by the two houses of parliament, the case is cleared by the doctrine of the authors of the bill themselves. Mr Pitt and his friends maintained, and nobody affected to deny, that the members to be chosen by parliament for Mr. Fox's Directors, would be "nominees" of the minister. There was nothing which could give the minister a power of nomination in that, which he would not possess in the present case. The second class of the members of the tribunal would, therefore, be "nominees" of the minister.¹

¹ For some curious information on this subject, see a debate which took place in the House of Commons, on the 16th of February, 1785; on the positive fact, that a ministerial list of members to be balloted for, on the very first choice for this new tribunal, was handed to members, by the door-keeper, at the door of the House. Cobbett's Parl Hist, xlv 1054—1060. After some experience, viz on the 19th March, 1787, Mr Burke said, "that the new judicature was infinitely the worst sort of jury that could be instituted, because it had one of the greatest objections belonging to it that could belong to any panel. The members of it